United Nations

A/54/684

General Assembly

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Fifty-fourth session
Agenda item 151

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Report of the Fifth Committee

Rapporteur: Mr. Jan Piotr **Jaremczuk** (Poland)

I. Introduction

1. The previous recommendations made by the Fifth Committee to the General Assembly under item 151 appear in the report of the Committee contained in document A/54/509.

2. For its further consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the revised post requirements for the support account for peacekeeping operations for the period from 1 July 1999 to 30 June 2000 (A/54/648);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions on the support account for peacekeeping operations (A/54/661);

(c) Note by the Secretary-General on death and disability benefits: eighth quarterly report for the period from 1 April to 30 June 1999 (A/C.5/53/66);

(d) Note by the Secretary-General on death and disability benefits: ninth quarterly report for the period from 1 July to 30 September 1999 (A/C.5/54/13).

3. The Fifth Committee resumed its consideration of the item at its 14th, 15th, 45th, 47th and 49th meetings, on 25 and 26 October and on 10, 15 and 21 December 1999. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/54/SR.14, 15, 45, 47 and 49).

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II. Consideration of proposals

A. Draft decision A/C.5/54/L.16 and draft resolution A/C.5/54/L.27

4. At the 46th meeting, on 13 December, the representative of Ukraine, on behalf of Belarus and Ukraine, introduced a draft decision entitled "Relocation of Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232" (A/C.5/54/L.16) and orally revised it by changing the title to read "Administrative and budgetary aspects of the financing of United Nations peacekeeping operations" and inserting the words "the Republic of Belarus and" after the words "financial contributions of". The draft decision, incorporating the revisions, was subsequently reissued and read as follows:

> "The General Assembly, recalling its decision 49/470 of 23 December 1994, decides that, from the date of adoption of the present decision and without prejudice to the relevant financial regulations and rules of the United Nations, all financial contributions of the Republic of Belarus and Ukraine to the Organization shall be counted against the minimum payments required to avoid the loss of voting rights in the General Assembly under the provisions of Article 19 of the Charter of the United Nations."

5. At the 48th meeting, on 17 December, the representative of Cuba, Vice-Chairman of the Committee and coordinator of informal consultations on the question, made a statement and, as a result of the informal consultations held, introduced a draft resolution entitled "Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations" (A/C.5/54/L.27).

6. At the same meeting, in the light of the statement made by the representative of Cuba, the representatives of Ukraine and Belarus withdrew draft decision A/C.5/54/L.16.

7. Also at the same meeting, the Committee adopted draft resolution A/C.5/54/L.27 without a vote (see para. 13, draft resolution I).

8. After the adoption of the draft resolution, statements in explanation of position were made by the representatives of Ukraine and Belarus (see A/C.5/54/SR.48).

B. Draft decisions A/C.5/54/L.20, A/C.5/54/L.21 and A/C.5/54/L.22

9. At the 47th meeting, on 15 December, the representative of Pakistan, Vice-Chairman of the Committee and coordinator of informal consultations on this question, introduced three draft decisions, entitled "Placement of the Republic of Kiribati for peacekeeping assessments" (A/C.5/54/L.20), "Placement of the Republic of Nauru for peacekeeping assessments" (A/C.5/54/L.21) and "Placement of Tonga for peacekeeping assessments" (A/C.5/54/L.22), which the Committee adopted without a vote (see para. 14, draft decisions I, II and III).

C. Draft resolution A/C.5/54/L.32

10. At the 49th meeting, on 21 December, the Committee had before it a draft resolution entitled "Support account for peacekeeping operations" (A/C.5/54/L.32), submitted by the Vice-Chairman, Dulce María Buergo Rodríguez (Cuba), on the basis of informal consultations.

11. At the same meeting, the Committee adopted draft resolution A/C.5/54/L.32 without a vote (see para. 13, draft resolution II).

D. Draft decision IV proposed by the Chairman

12. At the 45th meeting, on 10 December, the Chairman orally proposed a draft decision entitled "Death and disability benefits", which the Committee adopted without a vote (see para. 14, draft decision IV).

III. Recommendations of the Fifth Committee

13. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

The General Assembly,

Recalling its decision 49/470 of 23 December 1994,

1. *Decides* that, from the date of adoption of the present resolution and without prejudice to the relevant financial regulations and rules of the United Nations, all financial contributions of Belarus and Ukraine to the Organization, including those for which assessments were issued prior to 1996, shall be taken into account when determining whether the amount of their arrears, as calculated in accordance with decision 49/470, equals or exceeds the amount of the contributions due from Belarus and Ukraine for the preceding two full years in accordance with Article 19 of the Charter of the United Nations;

2. *Emphasizes* that this decision shall not exempt Belarus and Ukraine from their obligation to pay all outstanding contributions, and calls upon Belarus and Ukraine to make proposals for the treatment of their arrears concerning the financing of peacekeeping operations;

3. *Decides* to keep this matter under review.

Draft resolution II
Support account for peacekeeping operations

The General Assembly,

Recalling its resolutions 45/258 of 3 May 1991, 47/218 A of 23 December 1992, 48/226 A of 23 December 1993, 48/226 B of 5 April 1994, 48/226 C of 29 July 1994, 49/250 of 20 July 1995, 50/11 of 2 November 1995, 50/221 A of 11 April 1996, 50/221 B of 7 June 1996, 51/226 of 3 April 1997, 51/239 A of 17 June 1997, 51/239 B and 51/243 of 15 September 1997, 52/220 of 22 December 1997, 52/234 and 52/248 of 26 June 1998, 53/12 A of 26 October 1998, 53/208 B of 18 December 1998 and 53/12 B of 8 June 1999 and its

decisions 48/489 of 8 July 1994, 49/469 of 23 December 1994 and 50/473 of 23 December 1995,

Having considered the report of the Secretary-General on the support account for peacekeeping operations[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Reaffirming the need to continue to improve the administrative and financial management of peacekeeping operations,

Recognizing the need for adequate support during all phases of peacekeeping operations, including the liquidation and termination phases,

1. *Takes note* of the report of the Secretary-General concerning the revised post requirements for the support account for peacekeeping operations for the period from 1 July 1999 to 30 June 2000;[1]

2. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. *Requests* the Secretary-General when submitting his support account proposal for the period from 1 July 2000 to 30 June 2001 to fully implement the observations set out in paragraph 11 of the report of the Advisory Committee;[2]

4. *Notes* that the backstopping activities for peacekeeping operations require ongoing reviews which should take into account the overall evolution of peacekeeping trends;

5. *Affirms* the need for adequate funding for the backstopping of peacekeeping operations;

6. *Reaffirms* that the expenses of the Organization, including the backstopping of peacekeeping operations, shall be borne by Member States and, to that effect, that the Secretary-General should request adequate funding to maintain the capacity of the Department of Peacekeeping Operations of the Secretariat;

7. *Approves* sixty-seven additional support account-funded temporary posts for the period from 1 July 1999 to 30 June 2000;

8. *Authorizes* the Secretary-General to enter into commitments not exceeding 3,501,600 United States dollars for the additional staff costs, and requests the Secretary-General to report thereon to the General Assembly in the context of the performance report for the period from 1 July 1999 to 30 June 2000.

14. The Committee also recommends to the General Assembly the adoption of the following draft decisions:

Draft decision I
Placement of the Republic of Kiribati for peacekeeping assessments

The General Assembly decides, as an ad hoc arrangement, in respect of the composition of groups set out in paragraphs 3 and 4 of its resolution 43/232 of 1 March 1989, as adjusted by the General Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992,

[1] A/54/648.
[2] A/54/661.

49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, for the apportionment of peacekeeping appropriations, that the Republic of Kiribati should be included in the group of Member States set out in paragraph 3 (d) of resolution 43/232 and that its contributions to peacekeeping operations should be calculated in accordance with the provisions of the relevant resolutions adopted and to be adopted by the Assembly regarding the scale of assessments.

Draft decision II
Placement of the Republic of Nauru for peacekeeping assessments

The General Assembly decides, as an ad hoc arrangement, in respect of the composition of groups set out in paragraphs 3 and 4 of its resolution 43/232 of 1 March 1989, as adjusted by the General Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, for the apportionment of peacekeeping appropriations, that the Republic of Nauru should be included in the group of Member States set out in paragraph 3 (d) of resolution 43/232 and that its contributions to peacekeeping operations should be calculated in accordance with the provisions of the relevant resolutions adopted and to be adopted by the Assembly regarding the scale of assessments.

Draft decision III
Placement of Tonga for peacekeeping assessments

The General Assembly decides, as an ad hoc arrangement, in respect of the composition of groups set out in paragraphs 3 and 4 of its resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, for the apportionment of peacekeeping appropriations, that Tonga should be included in the group of Member States set out in paragraph 3 (d) of resolution 43/232 and that its contributions to peacekeeping operations should be calculated in accordance with the provisions of the relevant resolutions adopted and to be adopted by the Assembly regarding the scale of assessments.

Draft decision IV
Death and disability benefits

The General Assembly takes note of the notes by the Secretary-General on death and disability benefits[3] and on the progress made in clearing the backlog of claims for incidents.

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[3] A/C.5/53/66 and A/C.5/54/13.

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Agenda item 125

Scale of assessments for the apportionment of the expenses of the United Nations

Report of the Fifth Committee

Rapporteur: Mr. Jan Piotr **Jaremczuk** (Poland)

I. Introduction

1. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fourth session the item entitled "Scale of assessments for the apportionment of the expenses of the United Nations" and to allocate it to the Fifth Committee.

2. For its consideration of the item, the Fifth Committee had before it the report of the Committee on Contributions.[1]

3. The Fifth Committee considered the item at its 8th, 10th, 11th and 49th meetings, on 18, 19, 20 October and 21 December 1999. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/54/SR.8, 10, 11 and 49).

II. Consideration of proposals

A. Draft resolution A/C.5/54/L.28

4. At the 49th meeting, on 21 December, the representative of Ireland and coordinator of informal consultations on this item introduced a draft resolution entitled "Scale of assessments for the apportionment of the expenses of the United Nations" (A/C.5/54/L.28),

[1] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 11* (A/54/11).

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which had been submitted by the Chairman on the basis of informal consultations, and orally corrected it by substituting the words "the Republic of Kiribati" for "Kiribati", "the Republic of Nauru" for "Nauru" and "the Kingdom of Tonga" for "Tonga" in the second preambular paragraph and operative paragraphs 1 to 6 of part A of the draft resolution.

5. At the same meeting, the Committee adopted draft resolution A/C.5/54/L.28 without a vote (see para. 9).

6. After the adoption of the draft resolution, the representative of India made a statement.

B. Draft decisions A/C.5/54/L.29 and A/C.5/54/L.30

7. Also at the 49th meeting, the representative of Ireland and coordinator of informal consultations on this item introduced two draft decisions entitled "Scale of assessments for the apportionment of the expenses of the United Nations" (A/C.5/54/L.29 and A/C.5/54/L.30), which had been submitted by the Chairman on the basis of informal consultations.

8. At the same meeting, the Committee adopted draft decisions A/C.5/54/L.29 and A/C.5/54/L.30 without a vote (see para. 10, draft decisions I and II).

III. Recommendations of the Fifth Committee

9. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Scale of assessments for the apportionment of the expenses of the United Nations

A

The General Assembly,

Recalling its resolutions 54/1, 54/2 and 54/3 of 14 September 1999,

Also recalling the recommendations of the Committee on Contributions with respect to the assessment of the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga as non-member States,[2]

Further recalling its resolutions 52/215 A of 22 December 1997 and 53/36 E of 18 December 1998 and its decision 47/456 of 23 December 1992,

1. *Decides* that the rate of assessment for the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga, admitted to membership of the United Nations on 14 September 1999, should be 0.001 per cent for 1999 and 2000;

2. *Also decides* that the contributions of the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga for 1999 should be calculated on the basis of one twelfth of their rate of assessment for 1999 per full calendar month of membership and that a

[2] Ibid., *Fifty-first Session, Supplement No. 11* (A/51/11), sect. V; and ibid., *Fifty-third Session, Supplement No. 11* (A/53/11), chap. V.

corresponding adjustment should be made in their assessments for 1999 as non-member States;

3. *Further decides* that the contributions of the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga for 1999 and 2000 should otherwise be applied to the same basis of assessment as for other Member States, except that, in the case of appropriations or apportionments approved by the General Assembly for the financing of peacekeeping operations, the contributions of the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga, as determined by the group of Member States to which they may be assigned by the Assembly, should be calculated in proportion to the calendar year;

4. *Decides* that the 1999 assessments of the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga should be taken into account as miscellaneous income in accordance with regulation 5.2 (c) of the Financial Regulations and Rules of the United Nations;

5. *Also decides* that, for 2000, the rate of assessment for the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga should be added to the scale of assessments established by the General Assembly in its resolution 52/215 A;

6. *Further decides* that, in accordance with financial regulation 5.8, the advances of the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga to the Working Capital Fund should be calculated by the application of their rate of assessment of 0.001 per cent to the authorized level of the Fund and should be added to the Fund pending the incorporation of their rate of assessment in a 100 per cent scale.

B

The General Assembly,

Having considered the report of the Committee on Contributions on its fifty-ninth session,[3]

Recalling its resolution 53/36 C of 18 December 1998,

1. *Decides* that the Committee on Contributions should not consider further the questions covered in paragraphs 69 and 70 and 73 and 74 of its report;

2. *Requests* the Committee to further consider measures to encourage the timely, full and unconditional payment of assessed contributions and to make appropriate recommendations, pursuant to its general mandate under paragraph 3 of General Assembly resolution 14 A (I) of 13 February 1946.

C

The General Assembly,

Recalling its resolutions 50/207 B of 11 April 1996, 52/215 B of 22 December 1997 and 53/36 B, 53/36 C and 53/36 D of 18 December 1998,

Having considered the report of the Committee on Contributions on its fifty-ninth session,[4]

[3] Ibid., *Fifty-fourth Session, Supplement No. 11* (A/54/11), chap. IV, sect. C.

[4] Ibid., sects. A and B.

Reaffirming the obligation of all Member States to bear the expenses of the United Nations, as apportioned by the General Assembly, in conformity with Article 17, paragraph 2, of the Charter of the United Nations,

Reaffirming also the fundamental principle that the expenses of the Organization should be apportioned among Member States broadly according to their capacity to pay, as specified in rule 160 of the rules of procedure of the General Assembly,

1. *Urges* all Member States to pay their assessed contributions in full, on time and without imposing conditions, to prevent financial difficulties for the United Nations;

2. *Reaffirms* its role in accordance with the provisions of Article 19 of the Charter of the United Nations and the advisory role of the Committee on Contributions in accordance with rule 160 of the rules of procedure of the General Assembly;

3. *Urges* all Member States in arrears requesting exemption under Article 19 to provide the fullest possible supporting information, including information on economic aggregates, government revenues and expenditure, foreign exchange resources, indebtedness, difficulties in meeting domestic or international financial obligations, and any other information that might support the claim that failure to make necessary payments had been attributable to conditions beyond the control of the Member States;

4. *Decides* that requests for exemption under Article 19 must be submitted by Member States to the President of the General Assembly at least two weeks before the session of the Committee on Contributions, so as to ensure a complete review of the requests.

10. The Fifth Committee also recommends to the General Assembly the adoption of the following draft decisions:

Draft decision I
Scale of assessments for the apportionment of the expenses of the United Nations

The General Assembly:

(a) Recalls its resolution 53/36 G of 28 July 1999;

(b) Decides that Georgia is permitted to vote under Article 19 of the Charter of the United Nations until 30 June 2000;

(c) Decides also that, if Georgia requests further exemption under Article 19, it should submit a request in this respect in accordance with the provisions of General Assembly resolution 54/__ of __ December 1999, whereby requests for exemption under Article 19 must be submitted by Member States to the President of the General Assembly at least two weeks before the session of the Committee on Contributions, so as to ensure a complete review of the requests.

Draft decision II
Scale of assessments for the apportionment of the expenses of the United Nations

The General Assembly decides to continue consideration of agenda item 125, entitled "Scale of assessments for the apportionment of the expenses of the United Nations", as a matter of priority at the first part of its resumed fifty-fourth session, and to approve, no later

than the last day of the first part of its resumed fifty-fourth session, the methodology that would instruct the Committee on Contributions to recommend to the General Assembly at its fifty-fifth session a scale of assessments for the period 2001-2003.

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Agenda items 150 and 172

Financing of the United Nations Observer Mission in Sierra Leone

Financing of the United Nations Mission in Sierra Leone

Report of the Fifth Committee

Rapporteur: Mr. Jan Piotr **Jaremczuk** (Poland)

I. Introduction

1. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fourth session the item entitled "Financing of the United Nations Observer Mission in Sierra Leone" and to allocate it to the Fifth Committee.

2. Subsequently, at its 44th plenary meeting, on 1 November 1999, the General Assembly decided, on the proposal of the Secretary-General (A/54/234), to include the item entitled "Financing of the United Nations Mission in Sierra Leone" in the agenda of its fifty-fourth session and to allocate it to the Fifth Committee.

3. The Fifth Committee considered the items at its 47th and 49th meetings, on 15 and 21 December 1999. Statements and observations made in the course of the Committee's consideration of the items are reflected in the relevant summary records (A/C.5/54/SR.47 and 49).

4. For its consideration of the items, the Committee had before it the reports of the Secretary-General on the financing of the United Nations Observer Mission in Sierra Leone and the United Nations Mission in Sierra Leone (A/53/454/Add.1, A/54/455 and A/54/633) and the related reports of the Advisory Committee on Administrative and Budgetary Questions (A/54/490 and A/54/647).

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II. Consideration of draft resolution A/C.5/54/L.33

5. At the 49th meeting, on 21 December, the representative of the Republic of Korea and coordinator of informal consultations on items 150 and 172 introduced a draft resolution entitled "Financing of the United Nations Observer Mission in Sierra Leone and financing of the United Nations Mission in Sierra Leone" (A/C.5/54/L.33), which had been submitted by the Chairman on the basis of informal consultations.

6. At the same meeting, the Committee adopted draft resolution A/C.5/54/L.33 without a vote (see para. 7).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Observer Mission in Sierra Leone and financing of the United Nations Mission in Sierra Leone

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Observer Mission in Sierra Leone and the United Nations Mission in Sierra Leone[1] and the related reports of the Advisory Committee on Administrative and Budgetary Questions,[2]

Bearing in mind Security Council resolutions 1181 (1998) of 13 July 1998, by which the Council established the United Nations Observer Mission in Sierra Leone, 1260 (1999) of 20 August 1999, by which the Council authorized the provisional expansion of the Observer Mission, and 1270 (1999) of 22 October 1999, by which the Council established the United Nations Mission in Sierra Leone for an initial period of six months,

Recalling its resolution 53/29 of 20 November 1998 on the financing of the United Nations Observer Mission in Sierra Leone,

Reaffirming that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations, and recognizing that the costs of the United Nations Mission in Sierra Leone are also to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter,

Recalling its previous decision concerning the Observer Mission, and recognizing that, with regard to the United Nations Mission in Sierra Leone, in order to meet the expenditures caused by the Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

[1] A/53/454/Add.1, A/54/455 and A/54/633.

[2] A/54/490 and A/54/647.

Bearing in mind the special responsibilities of the permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the United Nations Observer Mission in Sierra Leone and the United Nations Mission in Sierra Leone,

Mindful of the fact that it is essential to provide the United Nations Mission in Sierra Leone with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Takes note* of the status of contributions to the United Nations Observer Mission in Sierra Leone as at 30 November 1999, including the contributions outstanding in the amount of 1.2 million United States dollars, representing 8 per cent of the total assessed contributions, notes that some 37 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States that have paid their assessed contributions in full;

3. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Observer Mission in Sierra Leone and to the United Nations Mission in Sierra Leone in full and on time;

4. *Expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Requests* the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Mission, and for this purpose requests the Secretary-General to speed up the implementation of the asset management system at all peacekeeping missions in accordance with General Assembly resolution 52/1 of 15 October 1997;

8. *Endorses* the observations and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions;[2]

9. *Requests* the Secretary-General to report to the General Assembly on the experiences gained on the use of resident auditors in peacekeeping missions and the implications of the implementation of the recommendation of the Office of Internal Oversight Services referred to in paragraph 12 of the report of the Advisory Committee on Administrative and Budgetary Questions;[3]

10. *Notes* that a technical assessment mission will be undertaken to assess the needs relating to mine clearance, and requests that the necessary funding for operational demining needs be made available for these activities;

[3] A/54/647.

11. *Requests* the Secretary-General to take all necessary action to ensure that the United Nations Mission in Sierra Leone is administered with a maximum of efficiency and economy;

12. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

13. *Decides* to continue to use the Special Account established in accordance with General Assembly resolution 53/29 for the United Nations Observer Mission in Sierra Leone, for the United Nations Mission in Sierra Leone beginning 22 October 1999;

14. *Also decides* to appropriate the amount of 200 million dollars gross (197,765,100 dollars net) for the maintenance and provisional expansion of the United Nations Observer Mission in Sierra Leone and the establishment and maintenance of the United Nations Mission in Sierra Leone for the period from 1 July 1999 to 30 June 2000, inclusive of the amount of 52,971,600 dollars gross (52,687,600 dollars net) previously authorized by the Advisory Committee on Administrative and Budgetary Questions under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994 on the administrative and budgetary aspects of the financing of peacekeeping operations;

15. *Further decides*, as an ad hoc arrangement, to apportion the amount of 161,666,667 dollars gross (159,860,123 dollars net) for the United Nations Observer Mission in Sierra Leone and the United Nations Mission in Sierra Leone for the period from 1 July 1999 to 21 April 2000 in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993, 50/451 B of 23 December 1995, 54/__, 54/__ and 54/__ of __ December 1999,* and taking into account the scale of assessments for the years 1999 and 2000, as set out in its resolutions 52/215 A of 22 December 1997 and 54/__ of __ December 1999;**

16. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 15 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,806,544 dollars approved for the United Nations Observer Mission in Sierra Leone and the United Nations Mission in Sierra Leone for the period from 1 July 1999 to 21 April 2000;

17. *Also decides*, as an ad hoc arrangement, to apportion the amount of 38,333,333 dollars gross (37,904,977 dollars net) among Member States for the maintenance of the United Nations Mission in Sierra Leone for the period from 22 April to 30 June 2000 at a monthly rate of 16,666,667 dollars gross (16,480,425 dollars net), in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for the year 2000, as set out in its resolutions 52/215 A and 54/__,** subject to the decision of the Security Council to extend the mandate of the Mission beyond 21 April 2000;

18. *Further decides* that, in accordance with the provisions of its resolution 973 (X), there shall be set off against the apportionment among Member States, as provided for in paragraph 17 above, their respective share in the Tax Equalization Fund of the estimated

* Decisions to be adopted on agenda item 151.

** Resolution to be adopted on agenda item 125.

staff assessment income of 428,356 dollars approved for the Mission for the period from 22 April to 30 June 2000;

19. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

20. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

21. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

22. *Decides* to keep under review during its fifty-fourth session the agenda items entitled "Financing of the United Nations Observer Mission in Sierra Leone" and "Financing of the United Nations Mission in Sierra Leone".

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Agenda item 173

Financing of the United Nations Transitional Administration in East Timor

Report of the Fifth Committee

Rapporteur: Mr. Jan Piotr **Jaremczuk** (Poland)

I. Introduction

1. At its 70th plenary meeting, on 6 December 1999, the General Assembly, on the proposal of the Secretary-General, decided to include in the agenda of its fifty-fourth session the item entitled "Financing of the United Nations Transitional Administration in East Timor" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 47th and 49th meetings, on 15 and 21 December 1999. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/54/SR.47 and 49).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the financing of the United Nations Transitional Administration in East Timor (A/54/236/Add.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/54/653).

II. Consideration of draft resolution A/C.5/54/L.34

4. At the 49th meeting, on 21 December 1999, the representative of Egypt, Vice-Chairman of the Committee and coordinator of the informal consultations on item 173, introduced a draft resolution entitled "Financing of the United Nations Transitional Administration in East Timor" (A/C.5/54/L.34), which had been submitted by the Chairman on the basis of informal consultations.

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5. At the same meeting, the Committee adopted draft resolution A/C.5/54/L.34 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Transitional Administration in East Timor

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Transitional Administration in East Timor[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Bearing in mind Security Council resolution 1272 (1999) of 25 October 1999 regarding the establishment of the United Nations Transitional Administration in East Timor,

Recognizing that the costs of the Transitional Administration are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Recognizing also that, in order to meet the expenditures caused by the Transitional Administration, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

Noting with appreciation that voluntary contributions have been made to the trust fund for the multinational force,

Inviting voluntary contributions to the trust fund for the United Nations Transitional Administration in East Timor,

Mindful of the fact that it is essential to provide the Transitional Administration with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which would bear additional burdens owing to overdue payments by Member States of their assessments;

[1] A/54/236/Add.1.
[2] A/54/653.

2. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Transitional Administration in East Timor in full and on time;

3. *Expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

4. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

5. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

6. *Requests* the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Transitional Administration, and for this purpose requests the Secretary-General to speed up the implementation of the asset management system at all peacekeeping missions in accordance with General Assembly resolution 52/1 of 15 October 1997;

7. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

8. *Requests* the Secretary-General to take all necessary action to ensure that the Transitional Administration is administered with a maximum of efficiency and economy;

9. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to employ locally recruited staff for the Transitional Administration against General Service posts, commensurate with the requirements of the Transitional Administration;

10. *Authorizes* the Secretary-General to enter into commitments in an amount not exceeding 200 million United States dollars, inclusive of the amount of 50 million dollars authorized by the Advisory Committee on Administrative and Budgetary Questions, for the United Nations Transitional Administration in East Timor under the terms of section IV of General Assembly resolution 49/233 A of 23 December 1994, and requests the Secretary-General to establish a special account for the Transitional Administration;

11. *Decides*, as an ad hoc arrangement, to apportion the amount of 200 million dollars among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993, 50/451 B of 23 December 1995, 54/___, 54/___ and 54/___ of ___ December 1999,* and taking into account the scale of assessments for the years 1999 and 2000, as set out in its resolutions 52/215 A of 22 December 1997 and 54/___ of ___December 1999;**

12. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

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* Decisions to be adopted on agenda item 151.

** Resolution to be adopted on agenda item 125.

13. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Transitional Administration;

14. *Invites* voluntary contributions to the Transitional Administration in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedures and practices established by the General Assembly;

15. *Requests* the Secretary-General to submit to the General Assembly, as a matter of priority, a comprehensive report on the financing of the Transitional Administration, including full budget estimates and information on the utilization of resources until the time of the submission of the report, to enable the Assembly to take action on it at the first part of its resumed fifty-fourth session;

16. *Decides* to keep under review during its fifty-fourth session the agenda item entitled "Financing of the United Nations Transitional Administration in East Timor".

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Agenda item 47
The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

United Nations Verification Mission in Guatemala

Note by the Secretary-General

1. The attached document contains the report on Human Rights of the United Nations Verification Mission in Guatemala (MINUGUA) on the verification of compliance with the Comprehensive Agreement on Human Rights. In accordance with the practice established since the Mission's inception, I shall convey a copy of this report to the United Nations High Commissioner for Human Rights, with the request that it be transmitted to the members of the Commission on Human Rights.

2. The report, which is being transmitted by the head of the Mission, is the tenth on the subject, and covers the period from 1 January to 30 November 1999, during which the Mission continued to carry out its work and verify compliance with the commitments of all the Peace Agreements. The results of the verification of compliance with the Agreements were reported to the General Assembly on 11 November 1999 (see A/54/526).

3. I wish to reiterate my thanks to the Government of Guatemala and to the Unidad Revolucionaria Nacional Guatemalteca (URNG) for their cooperation with the Mission, without which it would have been unable to function. I also wish to express my gratitude for the ongoing collaboration and support provided by Member States and the United Nations system in Guatemala.

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Annex

Tenth report on human rights of the United Nations Verification Mission in Guatemala

I. Introduction

1. During the period covered by this report (1 January to 30 November 1999), the United Nations Verification Mission in Guatemala (MINUGUA) continued to verify compliance with all the Peace Agreements signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). Among the Agreements, the Mission verifies compliance with the Comprehensive Agreement on Human Rights, signed on 29 March 1994 (A/48/928-S/1994/448, annex I) and with the human rights aspects of the Agreement on Identity and Rights of Indigenous Peoples, signed on 31 March 1995 (A/49/882-S/1995/256, annex).

2. In view of the importance of the enjoyment of the human rights that were included in the Comprehensive Agreement, the Mission is continuing to issue a specific report on the subject. This report also refers to the commitments under the Comprehensive Agreement which were not included in the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (A/51/796-S/1997/114, annex I).

3. In order to permit continuity of statistical comparison with the eighth and ninth reports (A/52/946, annex and A/53/853, annex), the figures on complaints received and the results of verification of the complaints will cover a period of nine months (1 January to 30 September 1999). Among the most significant aspects up to 30 November 1999, special mention should be made of the verification of political rights in the context of the first round of the general elections of 7 November 1999. Issues such as compensation and compliance with the recommendations of the Clarification Commission (see A/53/928, annex) were dealt with at length in the Mission's fourth report on the verification of compliance with the Peace Agreements (see A/54/526, paras. 4 and ff and 17 and ff).

II. Context in which the Mission carries out its activities

Commitment I. General commitment to human rights

Analysis of verification of the rights accorded priority under the Comprehensive Agreement

4. As stated in the preceding paragraph, the figures considered for the period in question show that, during the first nine months of 1999, the Mission admitted 316 complaints involving 3,549 alleged violations of the rights accorded priority under the Comprehensive Agreement; 4,781 violations were confirmed. As in the previous report (A/53/853, annex, para. 11), the figures on confirmed violations correspond to complaints admitted during the period under review and also during previous periods (see appendix). Verification reveals that the number of confirmed violations was considerably higher than in the previous period. This is due, in part, to the large number of violations of the legal duty of the State to prevent, investigate and punish, stemming from cases admitted during previous periods, regarding massacres and disappearances. The comprehensive qualitative analysis indicates an increase in the practice of torture and cruel, inhuman or degrading treatment. It also shows an increase in violations of the right to individual liberty, due process of law, political rights and of the right to freedom of association and assembly.

Right to life

5. During the period under review, 59 complaints involving 109 alleged violations of the right to life were admitted and the existence of 77 violations was verified; this represents a slight decrease in the number of violations confirmed compared to the previous period. In the violations reported and confirmed during the current period, responsibility falls mainly on the National Civil Police and auxiliary mayors.

6. Among the extrajudicial executions confirmed, of those for which the National Civil Police bears direct responsibility, special mention should be made of cases where a person, after being arrested for drunkenness or disorderly conduct, winds up dead on arrival or dies shortly after being admitted to hospital, presumably after being

beaten by the arresting officers. In addition, cases of deaths due to excessive and disproportionate use of regulation firearms have been established. The Mission has also established that some members of the national Civil Police have obstructed justice in cases of violations of the right to life committed by police officers.

7. Following is an example of the serious consequences of the disproportionate use of force. On 20 February, in the Santa Luisa housing estate, zone 6 of the capital, National Civil Police officers Gerson de Rosa Rodríguez and Neftali López Salguero, of the police station in that estate, went in pursuit of Noé Vicente Gómez and another unidentified man who had allegedly just robbed a bus. In their flight the men burst into a butcher's shop where Gómez threw a revolver behind the counter. The officers arrested Gómez and the other suspect, but they also arrested Santiago Rafael Ruiz, who happened to be doing some shopping, and put them all in the police car. Witnesses heard two shots and saw Santiago Rafael Ruiz with his face covered in blood. The men were taken to a place known as Joya de Zabahú, where witnesses saw the officers hit Ruiz; the witnesses were then threatened and were compelled to leave. Shortly thereafter they heard a number of gunshots and saw other police units arrive. The victim, gravely wounded, was taken to San Juan de Dios General Hospital where he died. The Mission established that the immediate superiors of the two officers, far from seeking to clarify what had happened, gave an account of the incident describing it as a confrontation between "maras" (gangs) and that the officers were not punished. Following an internal investigation carried out by the National Civil Police Office of Professional Accountability, the officers were suspended from their duties and brought before the court.

8. With regard to the cases where the responsibility lay with municipal authorities, special attention should be drawn to an incident which took place on 1 March in Río Bravo, Suchitepéquez, in which the mayor, Onésimo Hernández Natareno, shot and wounded Francisco Mazariegos Linares, a child of 13. The incident took place when the mayor, who was drunk, entered a café where the boy was with his father. Minutes after boasting about being the mayor, in an effort to secure prompt service, he fired a shot which went through the café's ceiling. The mayor apparently became enraged when a waiter approached the boy to serve the dinner and he fired another shot towards the table. The bullet, which was fired at close range, went through an aluminum pot and entered the child's shoulder. According to the forensic medical report, the wound "involved the right lung and caused bleeding in the chest and lungs". The mayor tried to resist arrest and struck the national Civil Police officer, José Antonio Torres, breaking his nose. He also uttered repeated death threats against the boy's father and the owner of the café for having called the police. He was tried on charges of attempted murder, assault and uttering threats. However, on 22 March the child's parents requested that all charges be dropped, forgoing all remedy, claiming that it had been an accident and that the union had helped them with their son's medical bills. On 1 May, the police officer, for his part, submitted a petition requesting that the charges be dropped, also stating that the whole thing had been an accident and that the mayor had nonetheless helped him to pay his medical bills. On 10 August, the prosecutor requested that the case be dismissed and the court of first instance granted the request. The mayor was re-elected on 7 November.

9. Respect for minimum legal safeguards of anyone tried for an offence becomes a matter of vital importance in cases where the death penalty could be applied, due to the gravity and irreversible nature of that penalty. The Mission established that courts continued to sentence people to death following trials in which the right of the accused to minimum legal safeguards had not been respected. Moreover, in four cases, involving 16 people (51 per cent of those convicted) the penalty was imposed in violation of article 46 of the Constitution of the Republic which states that international human rights treaties ratified by Guatemala shall take precedence. The Mission notes that application of the death penalty in those circumstances is tantamount to summary execution.

Right to integrity and security of person

10. During the period under review, 64 complaints involving 213 alleged violations of this right were admitted; 127 violations were confirmed. Compared to the previous period there was an overall decrease in the number of violations (from 170 to 127); this is attributed primarily to the drop in the number of violations involving excessive use of force. On the other hand, confirmed violations involving torture increased from 10 to 27, those involving inhuman or degrading treatment went from 6 to 46 and those involving ill treatment from 26 to 35. In the confirmed violations National Civil Police officers were most often the ones responsible.

11. The Mission verified complaints of torture, from some departments, inflicted by officers of the National Civil Police Criminal Investigation Service. The cases verified follow the same pattern: use of oilcloth hoods, blows and death threats by police operatives assigned to breaking up bands of robbers, obtain information about kidnappings, extortions and even, in one instance, the theft of two

electronic devices. In order to provide legal justification for the arrests, in most cases the reason for the arrest was altered on the police reports and this resulted in an obstruction of justice. At the same time, the immediate superiors of the officers involved did not order that an investigation be opened in order to determine the responsibility of the latter in these serious violations.

12. On 13 January, in the vicinity of the La Quinta commercial centre, zone 7 of the capital, Ana Alvarado García was arrested by officers of the Criminal Investigation Service who were conducting an operation to arrest perpetrators of an extortion. She stated that she was taken to the cemetery in zone 3 where a burn was inflicted on her. She was then taken to National Civil Police headquarters where other people were being held for the same offence and was later taken to Santa Teresa prison. According to the forensic medical report she had bruises in the area surrounding the left eye socket, a subconjuctival haemorrhage in the left eye and various bruises on the left leg. During the investigation, there was no reaction from either the Public Prosecutor's Office or the court in charge of the investigation to the signs of torture or to the fact that the latter had occurred while she was in the custody of State officials. The Office of Professional Accountability belatedly initiated an investigation; the outcome of the investigation is not yet known.

13. Among the cases of cruel, inhuman or degrading treatment which have been confirmed by the Mission and for which the National Civil Police is responsible, one which occurred on 31 December 1998 at Puerto San José, Escuintla, stands out. At 10.30 in the morning, officers Edwin Gaitán Hernández and Franco Rodas de León arrested Moisés Rivas Morales and took him to the National Civil Police citizens service office on the pretext that they had to meet an officer from that police station. The Mission confirmed that the individual in question did not enter the cells until more than six hours later. When he was placed in the cell his hair had been hacked off with scissors and he had head injuries; according to eye witnesses these injuries had been inflicted with a leather whip by Deputy Inspector Álvaro Nájera Castro. The man was transferred to Escuintla National Hospital where his injuries were found to be very serious. In the police report the arresting officers stated that Moisés Rivas had been arrested on charges of disorderly conduct and drunkenness. The criminal court determined that the arrest had been unlawful and ordered that the man be released immediately. The Office of Professional Accountability concluded that Deputy Inspector Álvaro Nájera Castro and officers Oswaldo Gaitán Hernández, Franco Eduardo Rodas de León, Carlos Hernández Ceballos and Aníbal Contreras Tobar, among others, were responsible for the arbitrary arrest and the very serious injuries and for the ill-treatment of other prisoners who were at the time in the police cells at Puerto San José. The Office found the instruments used to ill treat the arrested persons, including the leather whip and a pair of scissors, in the possession of the officers.

Right to individual liberty

14. During the period under review, 17 complaints were admitted involving 124 alleged violations; 125 were confirmed. The number of confirmed violations increased from the previous period going from 34 to 56 in the case of arbitrary arrests, from 25 to 67 in the case of arrests in violation of legal guarantees and from 0 to 2 in the case of kidnapping. The National Civil Police, the judiciary and the municipal authorities are most often the ones responsible for the confirmed violations.

15. The Mission is concerned at the considerable increase in the number of violations of this right, most of which involve arbitrary arrests and arrests in violation of legal guarantees carried out mainly by the National Civil Police. This situation is particularly serious because these arrests are usually accompanied by violations of the right to integrity of person and, in many cases, justice is obstructed through the falsification of police reports. The Mission reaffirms what it said in its previous report (A/53/853, para. 26), namely, that inaction of the institutions responsible for investigating and punishing the perpetrators of these violations is a constant feature. The responsibility of the judiciary stems from the fact that the judges do not safeguard the right to due process of persons who have been unlawfully or arbitrarily arrested since they usually simply confirm these deprivations of liberty based on the police report, without looking into whether there has been any violation of the right to individual liberty or to integrity of person.

16. A case in point occurred in June in San Pedro Yepocapa, Chimaltenango, when the brother and cousin of an arrested person went to the National Civil Police station to find out what had happened, and were likewise handcuffed and arrested. According to the police report the three were arrested when they were caught in a drunken state, attacking an individual, punching and kicking him in an attempt to rob him. The three arrested individuals said that while they were in handcuffs they were beaten with a blunt instrument in the presence of the chief of the police station, Cándido Saúl Sub Guerra. The forensic medical report states that the arrested persons had respectively "contusion in eye with bruises on both eyelids, haemorrhage

of the right sclera, contusion in the region of the left parietal bone and bruises on the left eye", "stitches on the left cheek, contusion on lower left jawbone and sprained right ankle" and "contusion in the region of the occipital bone, abrasions on gluteus on left buttock and bruised elbow". According to a statement made by the mother of the arrested brothers, she went to the police station the day of the incident to find out why the men had been arrested and the officers threatened to arrest her, too, if she did not go away.

Political rights

17. On 16 May a referendum was held with a view to ratifying the constitutional reforms approved by the Congress of the Republic in response to the commitments undertaken in the Peace Agreements. In the lead-up to the referendum, the Mission concentrated on publicizing the points in the reforms of greatest importance to the peace process: multiculturality, administration of justice, public safety, the army, and other State reforms. In addition, it supported the public information and civic education efforts of the relevant State institutions and other agents of civil society. About 18.55 per cent of the population voted in the referendum. In order to monitor the exercise of political rights, the Mission was present in 261 municipalities throughout the country.

18. When the general elections of 7 November were scheduled, the Mission placed special emphasis on the performance of State institutions in guaranteeing and respecting political rights, inasmuch as such rights are exercised on a mass scale in the electoral process. Monitoring focused on the possible existence of discrimination in the form of intimidation and bias, as well as propaganda on the part of State agents. As already stated, the Mission regrets that the first elections since the signing of the Peace Agreements were conducted without the adoption of the necessary reforms of the electoral system and political parties, although such reforms had been duly submitted to the Congress by the Supreme Electoral Tribunal.

19. In June, the Tribunal launched a massive registration plan. Its encouraging results have helped to reduce the large number of unregistered – and thereby disenfranchised – people. In addition to monitoring the plan, the Mission provided logistical support specifically aimed at the most inaccessible areas. During the election campaign, the Mission observed over 200 public acts of political propaganda throughout the country. As compared to 1995, there were fewer incidents of physical violence accompanying such activities. On the other hand, there was a high level of verbal violence, with systematic personal attacks that impeded the necessary public debate of government programmes.

20. During the electoral period, MINUGUA investigated over 200 complaints and incidents. In many cases, the complainants failed to provide the minimum information needed for a determination as to plausibility. On the other hand, in several cases distorted information was provided for the sake of political effect. It was noted, moreover, that the publicizing of this type of complaint through the mass media gave the population a negative and distorted image of the electoral debate. Among the complaints received were isolated reports of physical attacks and threats, some of them attributed to senior State officials and candidates for election. Especially worrying were the various reports of threats against officials of the Supreme Electoral Tribunal. There were also reports of threats or intimidation against members of political parties or candidates.

21. The Mission paid special attention to the possibility of bias and propaganda on the part of State agents, a matter on which several political organizations expressed concern. Most of the complaints were about the use of official vehicles in campaigning and party propaganda activities, the display of party colours on public buildings, and party propaganda at the inauguration of projects. The most serious complaints were about pressure or inducements to get residents of the capital to join a political party – in exchange for legal tenure of land or under the threat of loss of land. In a public communiqué issued on 29 September, the Mission noted that the State had been responsible in several cases for the use of public funds for electoral purposes. The information was brought to the attention of the Supreme Electoral Tribunal and the political parties concerned.

22. On 7 November 1999, election day, the Mission was present throughout Guatemala, serving as a deterrent to any potential conflicts, and helping to create a climate free of violence and intimidation. On that day, the Mission toured 286 of the country's 330 municipalities, visiting 750 polling stations. Its observations suggested that in nearly 80 per cent of the municipalities visited, political rights were exercised under normal conditions, with the restrictions imposed by current election law. Notwithstanding, without prejudice to the election results, it was observed that in just under 20 per cent of the municipalities, minor problems occurred, such as charges and countercharges of votes being bought and irregularities surrounding some ballot boxes.

23. The allegations with the greatest public repercussions had to do with the possibility of electronic fraud and claims that the municipal authorities impeded public transport in

the capital on election day. The Mission carried out ample investigations into both sets of allegations and concluded that there were no violations. With respect to impediments to public transport, although there were some problems, they did not last long, they did not affect voter turnout and they cannot be attributed to the municipal authorities. Another major development was the decision by the Quetzaltenango Departmental Electoral Board to declare null and void the election for Mayor of Quetzaltenango, on the grounds that votes had been bought. The Supreme Electoral Tribunal, as an appellate body, rescinded the decision and validated the results of the municipal elections. Its investigation enabled it to establish that there was an incident between members of the Xel-Jú Civic Committee or its sympathizers and the President of the Departmental Board, in the course of which she and one of her companions were wounded. At the same time, the investigation did not produce sufficient evidence to support the allegation that votes had been bought.

24. Lastly, as a contribution to the deferred debate on the amendment of the Elections and Political Parties Act, the Mission plans to issue a special report on the exercise of political rights in the context of the referendum and the general elections, which will include the results of the monitoring of the second round, scheduled for 26 December.

Right to freedom of expression

25. During the reporting period, the Mission continued paying close attention to the exercise of the right to freedom of expression, with special reference to allegations of interference by the Government in the advertising operations of publishers critical of its performance (see A/52/946, annex, paras. 49 and 50). To date, insufficient information has been obtained for any conclusive ruling.

26. Following public statements by the Director for Central America of the non-governmental organization Casa Alianza, disclosing the results of an investigation conducted by Casa Alianza and the National Public Prosecutor's Office into irregularities in the adoption process, legal action was taken for libel, slander and defamation (see A/52/946, annex, para. 59). The plaintiff was Susana Luarca de Umaña, whom the statements had named in her official capacity as a notary public as one of the main persons responsible for the situation. In monitoring the right to due process, the Mission noted the dismissal of amparo applications filed by the defendant in order to have a court of honour hear the case, as provided in article 35 of the Constitution, which states explicitly that publications containing allegations, criticisms or charges against public officials and employees for actions performed in an official capacity shall not be culpable, and that such cases shall be heard by a court of honour. The Mission is troubled by the ruling of the Constitutional Court, the supreme organ in respect of amparo applications, to the effect that the applicant cannot invoke the Act governing Expression of Thoughts, since it had not served as a disseminator of information or opinions. The Court thus restricted the interpretation of the article of the Constitution that expressly refers to the procedure to be followed when the object of a complaint is a public official, while laying down no type of requirement for the complainant.

27. The Mission considered with particular attention the allegations of threats against journalists investigating irregularities involving State agents, as well as allegations of further attacks on media offices. Specifically, representatives of an evening newspaper claimed that they were the victims of a government policy of harassment. On 17 January, unknown intruders entered their offices and stole a safe containing administrative documents and journalistic material. The police apprehended several individuals, who were charged with aggravated robbery. In the circumstances, it is not possible to discount the ordinary motive; nor is it possible to rule out the possibility of selective action aimed at limiting the right of freedom of expression.

28. The Mission received complaints that government officials had informed a staff member of a national daily newspaper that the Government was uncomfortable with the criticism appearing in its editorials; they had warned that such criticism must cease. At the beginning of May, two of the newspaper's reporters alleged that they were being harassed and followed both on foot and in vehicles. They claimed that they were followed on several occasions, on their way to work, during the working day and on different days, and that this created a feeling of insecurity. They stated that they were engaged in highly sensitive investigative journalism on cases allegedly involving irregularities on the part of State officials. The Mission verified that the number plate of one of the vehicles following the journalists belonged to the Presidential General Staff, and that another belonged to the National Electricity Institute, a semi-autonomous State institution.

Right to freedom of association and assembly

29. During the period under review, the Mission received eight complaints concerning 1,003 alleged violations. It confirmed 357, of which 355 had to do with the right to organize. The presumption of responsibility for the confirmed violations rests mainly with the judiciary and with the executive branch. As compared with the preceding period, the total number of confirmed violations rose from

303 to 357. The most significant qualitative variation is that violations of the right to organize account for 99.44 per cent of the total, as against 59.08 per cent in the preceding period.

30. The exercise of the right to organize continued to be affected by anti-union practices, most prominent among which was the dismissal of workers for forming unions, for filing collective grievances or simply for engaging in union activities. The Mission documented the failure to comply with judicial reinstatement orders handed down after protracted industrial proceedings. That is what happened at La Violeta estate, Colomba Costa Cuca, Quetzaltenango, where 38 workers were fired after filing a collective grievance, and at the Nueva Florencia estate, Coatepeque, Quetzaltenango, where 32 workers who were forming a union were fired. The Mission also noted the reluctance of the Ministry of Education to reinstate leaders of teachers' unions (as in the case of the President of the National Association of Middle School Educators (ANEEM), Daniel Minera), and to allow unimpeded participation in union activities (as in the case of Carlos Gómez, also a leader of ANEEM). In both cases, the Ministry alleged administrative breaches under article 76, paragraph 6, of the Civil Service Act (absence from work without authorization or justification), when the individuals were engaged in representative functions and had authorization from their superiors. The Civil Aeronautics Authority (DAC) refused for over a year and a half to comply with judicial resolutions ordering the reinstatement of Germán Rojas, Deputy Secretary-General of the DAC Workers' Union, who was dismissed on 17 January 1997, despite the statutory provision that members of the executive committees of unions cannot be removed from their posts.

31. Among the matters of particular concern are the murders of union leaders during the period under review and the fact that no light has been shed on some of the murders committed during earlier periods. The Mission has followed closely the conflict that arose in May 1996 between the Zacapa Municipal Employees' Union (SINTRAMUZAC) and the Mayor of Zacapa, Carlos Vargas y Vargas (see A/52/330, annex, para. 44). There has been no progress in the investigation into the murder of Hugo Duarte Cordón, a former official of that Union (see A/53/853, annex, para. 13). The same is true of the investigation into the murder of Robinson Manolo Morales Canales, former Secretary of SINTRAMUZAC, who was murdered on 12 January 1999. To date there has been no light shed on the circumstances surrounding the murder, although one of the alleged perpetrators has been identified. In the case of Baldomero de Jesús Ramírez, former Financial Secretary of the Municipal Employees' Union in Santa Lucía Cotzumalguapa, Escuintla, the Mission noted that his disappearance, on 17 June 1999, coincided with serious labour conflict between the Union and the Mayor. His body was found five days later bearing signs of torture. To date there has been no substantial progress in the criminal investigation.

32. On 27 September, BANDEGUA, the banana company that is a subsidiary of Del Monte, fired 897 workers from three estates in the department of Izabal. That decision, which was described by the Ministry of Labour and Social Welfare as a violation of the existing collective agreement, prompted the Izabal Banana Workers Union, faced with a stalemate in tripartite negotiations, to schedule protests in Morales, Izabal, for 14 October. The night before, a large group of heavily armed men, among them some well-known local businessmen, burst into union premises and, using force, took the Secretary-General, other union leaders and the Mayor of Morales to a radio station, where they were ordered to announce a suspension of the protests, before the cameras of a local television channel. On their return to union premises, they were put in front of a video camera and forced to resign their union posts and their jobs with BANDEGUA. Lastly, on pain of death, they were told to get out of the region, which they did with their families. Despite two appeals to the Morales National Civil Police to intervene and dispatch police vehicles to the scene, the security forces did nothing. Several labour and union organizations, in addition to the relevant ministry, came out in public and condemned those deplorable developments. The Public Prosecutor's Office displayed considerable lethargy in the initial stages of the investigation. The facts were reported to the Office of the Counsel for Human Rights, but at the time this report was being finalized there was no information on any pronouncement or resolution on the part of that Office.

33. Even if the events in Morales can be described as isolated and not reflecting the state of labour relations in Guatemala, by their extreme seriousness they are an affront to the rule of law, and they highlight the need for the Government and the judiciary to ensure full enjoyment of the right to organize as a prerequisite for progress in the development of a culture of dialogue and peaceful settlement of conflicts.

34. The Mission received other allegations of serious violations of the freedom of association and the freedom to exercise union rights. On 7 September, it received a complaint from the Judiciary Staff Union against the Supreme Court of Justice over the unlawful, mass dismissal of 508 workers, with effect from 1 September. The decision of the Supreme Court was based on a resolution issued by

the Constitutional Court on 8 July 1999, declaring illegal a strike by judiciary staff between 19 March and 7 April 1996. According to the complaint, the measure violates the right to organize, inasmuch as the Supreme Court acted as both judge and party in the proceedings related to the conflict, ruling on questions in which it had an interest, and that the dismissals were motivated by political factors, without application to a judge for authorization to proceed, as provided in article 379 of the Labour Code and in the subsequent articles; the dismissed employees included all the members of the Executive Committee of the Union and the leaders of its 21 departmental chapters, although, under article 12 of the collective agreement on terms of employment and article 223 of the Labour Code, their union responsibilities should have protected them from dismissal. The Mission immediately began the respective investigation.

35. No progress has been made in bringing domestic legislation into line with international norms ratified by Guatemala. This is a matter still to be addressed by the State, as is the need for a policy of encouraging collective negotiation and changes in the judiciary and the Ministry of Labour, for the sake of effective protection of the right to organize. Prompt implementation of such measures would permit positive progress towards full respect for this constitutional right.

Commitment to promote rules and mechanisms for the protection of human rights

36. One major development during the period under review was the adoption of the Act concerning protection of the dignity and comprehensive advancement of women, under decree No. 7-99 of 9 March 1999. This Act develops the commitments undertaken by Guatemala in ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

37. Following the agreement reached between the State and the Inter-American Commission on Human Rights, decree No. 29-99 was issued, which supplements decree No. 80-98 on reforms to the Civil Code. The decree, amending article 131 of the Code, establishes the principle of gender equality in the administration of matrimonial property and, at the same time, repeals article 113, which restricted women's employment and professional opportunities, on the grounds that such activities are not detrimental to the care of children and other household responsibilities.

38. In its previous reports (see, for example, document A/52/946, annex, para.59), the Mission drew attention to the need for Guatemala to have legislation to govern adoption; during the period under review no progress was made in this respect. A new legislative initiative was put forward on 6 April 1999, but it is awaiting the issue of a ruling both by the Congressional Commission on Women, Minors and the Family and by the Commission on Legislation and Constitutional Matters.

39. In August 1996, by means of legislative decree No. 70-96, the Act for the Protection of Persons Involved in the Conduct of Judicial Proceedings and Persons Linked to the Administration of Criminal Justice was adopted. Article 20 provided that the Public Prosecutor's Office would issue a ruling within a period of not more than 90 days. This ruling was adopted on 7 May 1997 but was never published, so that it remains without effect more than three years after the act was adopted. The absence of an adequate regulatory framework is impeding the allocation of budgetary resources for protection programmes, and the limited implementation of these programmes up to now is having an adverse effect on the conduct of trials and hindering the work of the judiciary.

40. Linked with this commitment are various recommendations of the Clarification Commission. On 15 November 1999, the Commission to Follow up the Implementation of the Peace Agreements submitted to the President of the Congress of the Republic a bill on the Foundation for Peace and Harmony with the purpose of fulfilling the recommendation to establish a body responsible for implementing and monitoring the recommendations of the Clarification Commission (see document A/53/928, recommendation 84). The preliminary draft is a product of consensus with the Multi-institutional Forum for Peace and Harmony which, on 5 October 1999, through deputy Rosalina Tuyuc, had submitted a bill for the same purpose, the basic aspects of which are taken up in this proposal.

Commitment II. Commitment to strengthening institutions for the protection of human rights

41. In the Comprehensive Agreement, the parties agreed to support and strengthen the judiciary, the Public Prosecutor's Office and the Office of the Counsel for Human Rights in the exercise of their functions of protection of human rights, and to respect their autonomy and freedom of action, in view of their importance for the strengthening of the rule of law. This section of the report deals with the

measures to strengthen these institutions which were adopted during the period under review. The results of the verification of respect for the independence of these institutions are presented in the sections on commitments III, IV and VII, with an emphasis on the Xamán and Gerardi cases.

42. In 1999 the budgetary allocation for the judiciary was 366.5 million quetzales (approximately US$ 48.2 million). According to Government estimates, it is likely to close at the same amount, which would result in a better capacity for implementation. In the draft general income and expenditure budget of the nation for 2000, it is projected that the budget for the judiciary will be 456 million quetzales (approximately $60 million), which represents a real growth of 18.5 per cent compared with 1999, deducting 5.5 per cent inflation expected for 2000, thus meeting the requirement of a 2 per cent minimum allocation established in article 213 of the Constitution.

43. On 30 September 1999, the Commission on Legislation and Constitutional Matters of the Congress of the Republic issued a favourable ruling on the bill on the career judicial service based on a preliminary draft drawn up in 1997 by the Supreme Court of Justice and including the basic recommendations of the Commission on the Strengthening of the Justice System. This act was adopted on 27 October by the Congress and promulgated on 2 December 1999. In addition, the act on the civil service of the judiciary was adopted on 30 November 1999 and is awaiting promulgation.

44. In July 1999, 26 judges of the first instance and sentencing court judges were appointed from graduates of the Judicial Training School, who were the first class to have received a six-month training course before the selection examinations. The requirement of prior training and a selection examination for candidates is essential to ensure professional competence and functional independence.

45. The Congress of the Republic, for its part, made a significant effort to achieve consensus in the selection process for the judges of the Supreme Court of Justice. For the first time, various organizations of civil society participated in the process, contributing to drawing up the profile of the ideal judge and to developing selection criteria based on professional merit and ethical values. The nominating committees and the Congress both published lists of preliminary candidates and candidates from which the current members of the Court were selected; they took office on 13 October 1999.

46. During the period under review, 31 courts of the first instance, two mediation and conciliation centres, and 51 courts of the peace were established, thereby completing the process of setting up these courts in all the municipalities of Guatemala, including the villages of Salacuín (Cobán, Alta Verapaz) and Guineales (Sololá). Special mention should also be made of the establishment of the centre for the administration of justice at Santa Eulalia, which brings together the various competent institutions serving the eight most remote municipalities in the north of the department of Huehuetenango. This represents an improvement in the coverage of these services, bringing them closer to the inhabitants of rural areas and facilitating their access to justice.

47. In May the implementation of the first stage of the process of restructuring the district offices of the Public Prosecutor's Office in Guatemala, which had been begun by MINUGUA in 1995, was completed. This was accompanied by the establishment of a permanent service office and a victims' service office in each prosecutor's office. A cycle of recruitment of prosecutors' assistants by means of a public competition was also completed, and 240 new posts were filled. The opening of the district prosecutor's offices in Santa Lucía Cotzumalguapa and Villanueva should be noted. In implementation of the "Strategic modernization plan" and within the framework of the agreement signed with the coordinating body for modernization of the justice sector, United Nations Development Programme — Public Prosecutor's Office, the "Programme for the reorganization of district and municipal prosecutor's offices" is currently being carried out; the objective is, *inter alia*, to consolidate the new model of office management, career development for prosecutors, preparation and training of prosecutors, and effectiveness of criminal prosecution.

48. As of 1999, the Public Defender's Office in Criminal Matters has had its own budgetary allocation of 45.5 million quetzales (approximately $6 million) from the general budget. This allocation ensures the Office's administrative autonomy and promotes greater functional autonomy, and has enabled the Office to increase its staff, which consists of 91 public defenders country-wide, supported by a large body of official public defenders at the metropolitan level. These factors are undoubtedly contributing to a substantial improvement in the operation of the service, although progress still needs to be made in administrative organization and in terms of greater efficiency of public defenders in the programme.

49. With regard to the Government's commitment to support the initiatives of the Office of the Counsel for Human Rights designed to strengthen that Office, the Mission had previously expressed concern about the decline in the resources of that Office compared with 1998, because the budget for 1999 did not show any increase (see document

A/53/853, para. 61). The Government's proposal for the 2000 budget — 26 million quetzales (approximately $3.4 million), although seemingly insufficient, would be a slight improvement which must be supported and, if possible, increased in the forthcoming decision by the Congress of the Republic. An increase in the resources of the Office is essential for its work of promotion and protection of human rights. Despite the budgetary limitations in 1999, the Office made some significant achievements, such as its good offices in support of the implementation of the recommendations of the Clarification Commission and the introduction of human rights education in the formal educational system through an agreement concluded with the Ministry of Education (plan for a diploma in human rights for teachers in public education).

Commitment III. Commitment against impunity

Right to due process of law

50. The repeated violations of the right to due process of law are manifested in violations of the victim's procedural guarantees, including lack of penalties or inadequate penalties for crimes and human rights violations; because of the scale of this phenomenon it is one of the factors contributing to the situation of impunity in Guatemala. In order to give full consideration to the institutional components of impunity, the situation with regard to the right to due process of law is also analysed in relation to this commitment.

51. During the period under review there was a significant increase in confirmed violations of the right to due process of law: 155 complaints were admitted, involving 1,657 alleged violations. There are 3,665 confirmed violations, of which 2,423 (66.12 per cent) arose from cases of massacres and disappearances such as those of Xamán, Plan de Sánchez, Panzós, the secret military archive and others. It is indicative of the situation of impunity that of the violations of due process which were confirmed during the period under review, 31.8 per cent involve the legal obligation of the State to investigate and punish crimes and violations and about 25.4 per cent are concerned with obstruction by State agents of the work of the police, the Public Prosecutor's Office and the judiciary.

52. In recent years there has been a quantitative improvement in access to justice, especially in the interior of Guatemala, as a result of the broadening of the territorial coverage of the bodies responsible for the administration of justice and the deployment of over 17,000 members of the National Civil Police. Owing to the absence of a coordinated and integral plan to deal with impunity, however, in qualitative terms the response of the State system to the phenomenon of crime and human rights violations has not been proportionate to their increased incidence. This contributes to the persistence of the perception of widespread impunity.

53. Since its first reports on human rights, the Mission has indicated that impunity is the greatest obstacle to the effective enjoyment of human rights in Guatemala. It has also noted the inability of the judicial system and of the auxiliary bodies responsible for investigations to determine criminal, civil and administrative responsibility in respect of crimes with high social impact and serious human rights violations. Despite the changes which the Mission has noted in its various reports, this affirmation still holds true, and the population still has a perception of a situation of defencelessness and impunity which is significantly marring the management of the State.

54. Although the ineffectiveness of State institutions in the prevention, investigation and punishment of violations and crimes has been obvious in Guatemala for decades, it has only recently been used by people to justify actions to take justice into their own hands, as in the case of lynchings. During the period under review there was an average of over 10 lynchings a month, much higher than the 5.4 average recorded in the previous period (A/53/853, annex, paras. 16 and 64 and ff.). What at first was a sporadic practice has progressively developed into a recurrent response, not always spontaneous, to what is regarded as the lack of an effective response by the State to insecurity and crime. It should be stressed, however, that the number of deaths and injuries has declined because of better work by the authorities, especially the National Civil Police, in this respect.

55. The weakness of the institutions responsible for the investigation, prosecution and punishment of crime and the preservation of constitutional guarantees is apparent both in the National Civil Police, and in the judiciary and the Public Prosecutor's Office. As already noted above, the Mission is concerned to note that agents of the National Civil Police have participated in serious violations of the right to life, that they have direct responsibility for crimes, and that their immediate superiors have covered up these actions, obstructing their prosecution and the imposition of criminal, disciplinary and administrative penalties, thereby contributing to impunity. The ineffectiveness of the investigative machinery is contributing to the lack of punishment.

56. As to the judiciary, an illustrative case of the violation of the guarantees of due process is that of Pedro Rax Cucul, who was condemned to death; in his case, the following rights were violated: his right to be heard by a competent, independent and impartial judge who would take into account the defendant's history of mental illness; his right to be presumed innocent, since the aggravating circumstances of the crime of murder which were adduced in condemning him to death had not been verified; and his right, as a monolingual indigenous Q'eqchi', to have access to an interpreter during the court proceedings; and to an effective remedy in which the higher courts would take into account relevant questions relating to his mental health. In addition, his right to defence was violated because the counsel for the defence neglected to raise substantive questions during the oral proceedings and at the sentencing stage. Lastly, at the stage of implementation, the counsel for the defence failed to lodge appeals, on the instructions of the Public Defender's Office in Criminal Matters.

57. The judiciary has also contributed to the deterioration of the situation through the imposition of inappropriate penalties, recategorization of crimes in order to arbitrarily favour the granting of measures providing an alternative to preventive imprisonment for State agents or individuals, falsification of facts in judicial files, the inappropriate use of measures which undermine justice, lack of protection for agents of the judiciary from external threats or aggression to the detriment of the independence of judges, and tolerance of the abuse of delaying tactics which excessively prolong trials.

58. With regard to the Xamán case, on 13 August 1999 the trial court at Cobán sentenced to five years' imprisonment, commutable on payment of five quetzales a day, as perpetrators of the crime of culpable homicide, the sub-lieutenant in command of the military patrol and the 10 patrol members whose weapons were verified to have been fired. Another 14 soldiers were sentenced to four years of imprisonment, also commutable on payment of five quetzales a day, for the crime of "complicity in culpable homicide". The appeal entered by the public prosecutor's office is still pending. The verdict, rejecting the excessive use of force, did not take into account the obviously disproportionate reaction of the military patrol, classifying the action as culpable homicide and complicity in culpable homicide, the latter being a category which does not exist in the law or in legal theory. Furthermore, there was no conviction for the injuries inflicted on those who returned. These irregularities made it possible to impose a penalty of less than five years and, in application of the legislation in force, commutation of the penalty against monetary payment. The actions of the Public Prosecutor's Office and the judiciary in this case undermined the right to due process and demonstrated their hesitation in taking responsibility for the investigation and punishment of crime when the accused are members of the army.

59. At the time of drafting this report, a verdict was issued on the special appeal lodged by the prosecutor from the Public Prosecutor's Office. Division XIV of the Cobán court of appeal annulled the previous verdict, and determined that the 10 soldiers whose weapons were verified to have been fired were guilty of the crime of homicide against 11 people and the crime of gross injury against another nine people. They were therefore sentenced to 12 years of imprisonment, including nine years of incommutable imprisonment for the crime of homicide and three years which were commutable on payment of five quetzales a day for the crime of gross injury. The division also found that during the oral proceedings it had not been established that an order to open fire had been given, or that all the soldiers had fired, including the official in command of the patrol, so that it had absolved 15 of the accused military personnel, including the officer in question, ordering his immediate release. The Mission believes that in refusing to apply the criminal categorization of extrajudicial execution, the court did not adequately take into account the disproportionate reaction of the soldiers which gave rise to deaths and injuries, arguing that the patrol had not used force because it had entered the community without the misuse of force or excess of force. The criminal act consisted of firing military weapons against unarmed children, women and men.

60. In the case of the Río Negro massacre, on 7 October 1999 the trial court of El Progreso condemned to death three former patrol members and left the case open against the then commander of the military detachment of Rabinal and against the other members of the army involved. In this way an important precedent has been established in the fight against impunity. Without prejudice to the legality of this penalty, the Mission draws attention to the international trend towards abolition of the death penalty, in view of its inhumanity and because it does not help prevent the perpetration of future crimes.

61. The institutional performance of the Public Prosecutor's Office in expediting criminal proceedings and directing the investigations carried out by the National Civil Police continues to show deficiencies in the form of omissions or delays in procedures to elucidate cases, little self-initiated activity, an inability to implement the witness protection system, lack of coordination with the National Civil Police and a reluctance to take action in cases

involving agents of the State, especially members of the army.

62. The verification of cases involving human rights violations has revealed that attitudes in many of the country's prosecutor's offices are promoting impunity. These include, among others, the paralysis of cases as a result of the abandonment of the investigation or delayed judicial action, as in the Saquic case, which has been at a standstill since 1996; the concealment and failure to ensure proper custody of evidence, as in the Jorge Carpio case; the omission of expert resources and the diversion of investigative resources, obviating key hypotheses for clarifying the facts, as in the Gerardi case; the limitation of the scope of investigations to the actual perpetrators of crimes without including their accessories as well, as in the case of the extrajudicial execution of Robinson Morales; inefficient internal oversight systems that do not involve the imposition of penalties; and the absence or late initiation of internal administrative proceedings for alleged violations, as in the many cases of torture perpetrated by the National Civil Police and in the case of the disappearance of Francisco González Vásquez. Added to this is a lack of operational effectiveness illustrated, *inter alia*, by a passive approach to investigative procedures affecting the most remote rural communities. Moreover, accusations have been based on highly questionable expert reports, such as autopsies failing to meet technical requirements or ballistic tests performed on manipulated evidence, as in the Xamán case, or superfluous procedures, such as the ballistic test performed on hogs in the same case. Lastly, the Mission has noted a failure to protect witnesses and other persons involved in proceedings concerning the most serious violations of fundamental rights and criminal acts with the greatest social impact.

63. This situation, in addition to promoting the spread and popular acceptance of lynchings, has been worsened by the fact that investigations of those lynchings by the Public Prosecutor's Office have, as a rule, been merely pro forma or non-existent. This is demonstrated by the fact that the perpetrators were brought to trial in only 44 out of 90 recorded cases of lynching, even though each lynching usually involves a number of very serious offences. Moreover, in the first nine months of 1999, the Mission verified the issuance of two convictions of perpetrators of lynchings, only one of which was final.

64. Another illustration of the shortcomings of the Public Prosecutor's Office can be found in the Xamán case. On 25 November 1998, oral proceedings were opened before the trial court of Cobán and lasted more than 100 days. On 6 August 1999, the joint complainant Rigoberta Menchú Túm withdrew from the proceedings on the ground that the court was not impartial. During the public oral proceedings, the Mission verified that the prosecutor's office was not carrying out the criminal prosecution efficiently owing to an insufficient mastery of courtroom procedures, failure to prepare questions, lack of familiarity with the case and lack of a strategy for proving the accusation.

65. Another of the many cases that illustrate the attitude of reluctance and inertia on the part of the Public Prosecutor's Office when the accused are agents of the State concerns agents of the National Police. During the period, the Mission verified due process with regard to the events of 14 October 1996, when Víctor Daniel de La Roca Valladares, Jorge Luis Herrera Cárdenas and Christian Fernando Castro Ramos were chased by the police, who suspected them of driving a stolen car. The vehicle fell into a ravine. Subsequently, it was found that the car had been hit by two bullets and that the three occupants had been killed by a number of gunshots; one of them showed the gunpowder mark typical of a gunshot at point-blank range. A number of cartridge cases from the weapon of one of the police officers, Otto Raúl Morales García, were found inside the vehicle. Despite this piece of evidence, and even though the scene of the crime was found to have been evidently altered by the officers involved, the Public Prosecutor's Office successfully requested that the proceedings should be set aside on the ground that the merits of the case were insufficient to hold the police officer responsible.

66. Another example of this attitude of the Public Prosecutor's Office in cases involving high-ranking military or police authorities is the trial for the kidnapping and enforced disappearance of the Portillo family. On 1 April 1998, Adriana Portillo lodged a complaint with the Public Prosecutor's Office concerning the enforced disappearance, in 1981, of six members of her family, including two daughters aged 10 and 9 years, respectively. This is a classic case of enforced disappearance which was brought to the attention of the Clarification Commission. The proceedings were brought against Donaldo Álvarez Ruiz, former Minister of the Interior; Germán Chupina Barahona, former Director of the National Police; Manuel de Jesús Valiente Téllez, former Chief of the Judicial Police; and Pedro García Arredondo, former Chief of Unit 6 of the National Police and current mayor of Nueva Santa Rosa. Even though most of the accused are no longer agents of the State, the investigation was inexplicably assigned to the Office of the Prosecutor for Administrative Offences. In June 1998, that Office sent the judicial record to the Court of Appeal, considering that it might come under the National Reconciliation Act. The Fourth Division rejected this

interpretation and ordered an investigation, after which the prosecutor requested information from the institutions concerned. The Ministry of Defence and the National Civil Police replied that they had no relevant information. As at the end of the reporting period, the Criminal Investigation Service of the National Civil Police, which is responsible for the investigation, has not taken any useful steps or issued any report. The case file contains only the initial submission from the Public Prosecutor's Office requesting the case's assignment to a court. At the complainant's request, a new prosecutor was appointed.

67. On 20 May, The National Security Archive, a non-governmental organization in the United States of America, released a document entitled "Death Squad Dossier" containing information on the 1983 kidnapping and extrajudicial execution of 183 people in the capital city by an army unit. Two organizations of relatives of the disappeared, Familiares de Detenidos Desaparecidos de Guatemala (Relatives of Disappeared Detainees in Guatemala) and Grupo de Apoyo Mutuo (Mutual Support Group), submitted complaints to the Public Prosecutor's Office and requested the appointment of one or several special prosecutors to investigate them. The Public Prosecutor's Office distributed the complaints among the 35 prosecutor's offices in the metropolitan district, giving each of them four or five cases. The head of one of those offices was designated as the coordinator of the investigation, but was not given special powers or instructions on his specific functions. This strategy has promoted a lack of coordination and the multiplication of the investigative procedures assigned to various prosecutor's offices, and has not facilitated the investigation of the hypothesis concerning the instigator of the crime. The army, whose members are implicated, has not cooperated with the investigation, nor has the National Civil Police as the investigating entity. No relevant steps are known to have been taken in the investigation, nor has any progress been made in elucidating the facts.

68. The case of Monsignor Juan Gerardi is another example of the ineffectiveness of the Public Prosecutor's Office and of other institutions for the administration of justice in making progress in determining individual and institutional responsibility. The Mission noted many flaws in the action taken by the Public Prosecutor's Office, such as the lack of transparency in the transfer of evidence from the former prosecutor in the case, Otto Ardón, to the former prosecutor Celvin Galindo, as a result of which part of the evidence and papers from the file relating to the accused soldiers were lost. The Mission also noted an unjustified delay in the conduct of investigative procedures, a lack of initiative and of action to bring the case to trial, a failure to take precautions against the persons accused and serious deficiencies in the witness protection system.

69. Nonetheless, the Mission appreciates the fact that, as prosecutor, Celvin Galindo allowed the subjects of the judicial proceedings to have access to the investigation, incorporated the hypothesis of instigation by agents of the State and the political motive into his investigation and promoted inter-agency coordination with the judiciary.

70. The relevant cases which the Mission has cited in previous reports to illustrate violations of due process and of the commitment against impunity remain at a standstill. These include the trials for the murders of Epaminondas González Dubón and Apolo Carranza, as well as the enforced disappearances of Juan José Cabrera, alias "Mincho", Ricardo II Figueroa and Isaac Valdés Mayén. In the Jorge Carpio case, the two persons convicted of murder were released owing to deficiencies in the investigation conducted by the Public Prosecutor's Office and the inadmissibility of the evidence owing to the break in the chain of custody. In the case of the murder of Manuel Saquic, a pastor, the last action taken by the Public Prosecutor's Office was in September 1996 and the arrest warrant against Víctor Román still has not been executed. In the Myrna Mack case, the many appeals lodged by the accused and the reluctance of trial courts to accept competency have had a dilatory effect that has hindered the progress of the trial and affected the complainant's right to be heard within a reasonable period. In the Nicholas Blake case, the trial was referred back to the court of first instance; the oral proceedings are to begin again in January 2000. The Efraín Bámaca case was dismissed in March 1999. In the case of the extrajudicial execution of Mario Alioto, a student, the Criminal Division of the Supreme Court, in March 1999, confirmed the Court of Appeal's acquittal of Danilo Estuardo Parrinello, former Minister of the Interior; Mario Alfredo Mérida González, former Deputy Minister of the Interior; and Salvador Figueroa, former Chief of the National Police.

71. The army's conduct has also been an important factor in the persistence of impunity in Guatemala, though to a lesser degree than in previous reporting periods. The Mission has verified the existence of acts of intimidation against victims, witnesses and those responsible for the administration of justice, as in the Xamán, Johnny Clark Gálvez and Sas Rompiche cases, as well as systematic refusals to cooperate and actions to obstruct investigations in cases of human rights violations allegedly involving members of the armed forces. One example of this is the Gerardi case, in respect of which the Minister of Defence

initially denied that members of the Presidential General Staff had been present at the crime scene; this statement was subsequently found to be false. Meanwhile, the Presidential General Staff has provided inaccurate or distorted information and has discredited witnesses who have linked members of that institution to the crime.

72. During the period, the crisis in the prison system and its effect of promoting impunity have been apparent. Repeated escapes from prison have caused great shock and alarm in the population owing to the known collaboration of agents of the State or to the evident insufficiency of resources for the transfer and custody of convicts. This has facilitated escapes by prisoners convicted of very serious crimes, such as the kidnappers who escaped from the Pavón prison farm and the case of the preventive detention centre in Huehuetenango, where, condoned by agents of the National Police and the army, 12 former civil patrol members convicted in the Colotenango case escaped and are still at large. Even though their whereabouts are known, they have not been recaptured.

Commitment IV. Commitment that there are no illegal security forces and clandestine structures; regulation of the bearing of arms

73. The Mission has continued to record cases revealing the subsistence of illegal security forces linked to local public officials, especially certain mayors, and in the service of private individuals. According to the information available, members of these groups are often former members of intelligence agencies, public security forces or paramilitary or para-police groups. These entities operate outside the law and may come to acquire sophisticated equipment such as high-powered offensive weapons and communications equipment. They are often used for criminal purposes and carry out acts of intimidation, physical elimination of individuals and "social cleansing" operations. Thus, for example, the Mission has verified that the illegal group known as "Los Chuchos" (see A/53/853, annex, para. 72), linked to the mayor of Nueva Santa Rosa, is still active. There are also signs pointing to the involvement of the security force of the mayor of Santa Lucía Cotzumalguapa in the death of a trade unionist in that community.

74. Given the climate of insecurity affecting the population and, especially, the phenomenon of kidnapping, the State has allowed individuals or groups outside the competent institutions to take part in activities that should be carried out by police officers, prosecutors and judges. One example of this is the Ordóñez Porta case, in which members of military intelligence participated in procedures that properly belonged to the investigation stage; and the Sebastiano Crestani case, the verification of which reveals strong indications that an unofficial investigation was conducted by agents of the State not authorized to do so, allegedly with the acquiescence of high-ranking government authorities. On the pretext of supporting the victims, these individuals and groups are acting outside the official justice system.

75. Upon beginning its activities, the Mission verified that most human rights violations were committed by military commissioners and members of Voluntary Civil Defence Committees. After these groups were demobilized, the Mission received information on their reorganization and on the strong social control which they continued to exercise in their communities (see A/52/330, annex, paras. 69 and 70, and A/52/946, annex, para. 82). The Mission has observed cases in which both former Voluntary Civil Defence Committee members and military commissioners maintain contacts with military authorities. The most serious case took place in Colotenango, Huehuetenango, where, following meetings between former patrol members from Xemal and La Barranca and members of the army, a mob led by former Voluntary Civil Defence Committee members facilitated the escape, from the jail in which they were being held in the custody of the National Police, of 12 former patrol members sentenced to 25 years' imprisonment for homicide and assault.

76. The Mission is also concerned about its finding that members of these groups have led and participated in lynchings resulting in death, such as those which took place on 18 May in Tzuatzabé, Santa Lucía La Reforma, Totonicapán; on 2 and 3 May in the canton of Los Planes, Tajumuc, Chiantla, Huehuetenango; and on 24 January in El Afán, Playa Grande, Ixcán, Quiché. The Mission will continue to pay special attention to the commitment that these groups will not re-establish institutional relations with the army, that their new forms of association do not imply the restoration of this relationship and that they will not be used for other purposes. The Mission will also continue to verify that these groups do not lead to the formation of illegal security forces or clandestine structures.

77. The Mission has noted the emergence of an alleged irregular armed group calling itself the "Frente Rebelde del Pueblo" ("People's Rebel Front") in the department of Quetzaltenango, which has engaged in extortion, theft and the burning of agricultural products. According to the verification carried out to date, it is not at all certain that this group intends to promote insurgency, given that the actions

attributed to it are essentially indistinguishable from ordinary crimes. The Mission notes that, in the recent disappearance of two members of this armed group, the evidence points to the action of private property guards, and the participation or condonation of agents of the State cannot be ruled out.

78. Currently, only 76 private security companies are authorized to operate under the Private Police Act in force (Decree No. 73-70); 100 more companies are operating without the governmental approval required by law. Also of concern is the deficiency of State control in the area of arms and ammunition. The bearing and possession of offensive weapons by private individuals, private security companies, armed escorts and property guards are still common in Guatemala. The wide availability and diversity of munitions available on the market, some of which are highly lethal, are well known, yet there are no strict controls over the companies that market and distribute them. Arms smuggling and illegal arms trafficking are promoted by the permeability of borders and the lack of training and qualification of fiscal, customs, police and military personnel. As a result of the lack of State supervision in these areas, private security agencies are an attractive option for former agents of the State who have taken part in human rights violations or who have been expelled from their institutions for having committed crimes. Indeed, former members of the now-defunct Mobile Military Police hired by private security companies have been involved in offences such as bank robberies.

Commitment VII. Safeguards and protection of individuals and entities working for the protection of human rights

79. Since the Mission's inception, the number of complaints admitted in relation to threats and intimidation has tended to decline. However, starting from the period covered by the previous two reports (see A/52/946, annex, para. 90, and A/53/853, annex, para. 76), a gradual increase in such complaints has been recorded, primarily in relation to individuals and entities working for the protection of human rights. This trend has continued in the current period, and may be linked to the submission of the report of the Clarification Commission and to certain judicial proceedings having a strong impact on public opinion.

80. Most of the complaints received concern entities and officials involved in judicial proceedings in the most serious and well-known cases of human rights violations, in which members of the army are allegedly involved or on trial. A high percentage of these complaints are related to agents of the State.

81. During the period, acts of intimidation and threats continued against members of the Catholic Church, including Monsignor Próspero Penados del Barrio, Monsignor Mario Ríos Montt and other individuals linked to the elucidation of the case of Monsignor Gerardi. The Mission also verified that Judge Henry Monroy of the Second Court of First Instance had been pressured, *inter alia*, by Howard Yang, the former head of the Department of Strategic Affairs. Mynor Melgar Valenzuela, an attorney in the Human Rights Office of the Archdiocese of Guatemala, was harassed on the telephone days before a sworn statement was taken from senior members of the Presidential General Staff at the request of Mr. Valenzuela as joint complainant in the case. The special prosecutor for the case, Celvin Galindo, also reported having received threats.

82. On 10 and 12 March, officials of the Public Prosecutor's Office were followed and harassed by unidentified persons in a vehicle while they were investigating the deaths of Johnny Clark Gálvez, a lieutenant, and Sandor Medina Ortiz, a cadet. It was subsequently determined that the vehicle's licence plates belonged to the Ministry of the Interior and had been assigned to the presidential palace. In the same case, two members of the army who had been summoned by the prosecutor to appear before the court blamed the prosecutor, in writing, for anything that might happen to them, in a manner which the prosecutor judged to be intimidating.

83. In the investigation of the murder of Myrna Mack, it has been found that acts of intimidation have made judicial officials somewhat reluctant to proceed with the case, thereby altering and delaying the normal course of the proceedings.

84. The Mission also noted acts of harassment in connection with the Xamán case. During the hearings in the trial, members of the civil affairs division of military zone 21 were observed in the crowd that was demanding the release of the accused.

85. During the period under review, numerous complaints were made by prosecutors and judges handling prominent cases. The intimidating effect of the threats received was intensified by the feeling of defencelessness experienced by the subjects of judicial proceedings, owing to the State's inability to take measures to protect them. For example, on 12 February, the judge of the court of first instance in Santa Cruz del Quiché was the object of threats, after which it was

discovered that State bodies had not provided adequate protection. The limited investigation by the Public Prosecutor's Office focused on the alleged authors of the threats, with no investigation being carried out that might lead to charges being brought against the alleged instigator of the threats, despite the existence of sufficient evidence of the latter's participation.

86. The Mission reiterates the need for the Government to take urgent measures to honour its commitment to guarantee the protection of individuals and entities working for the promotion and protection of human rights and the duty of the State to investigate promptly and diligently complaints made by such individuals and entities.

III. Final observations

87. As this report indicates, the number of human rights violations reported during the period under review increased markedly in comparison with the previous reporting period. This significant increase is due in part to the fact that 66.12 per cent of all violations of the legal obligation of the State to prevent, investigate and punish stem from the follow-up to the massacres and disappearances which occurred in the period before the armed conflict was brought to an end, such as, *inter alia*, the Xamán, Plan de Sánchez, Panzós and secret military archive cases.

The judiciary and the Public Prosecutor's Office

88. This worsening situation is attributable mainly to the judiciary and to the Public Prosecutor's Office, which have the responsibility under the Constitution to investigate, prosecute and punish. In this connection, the situation during the period under review confirmed the urgent need to improve the performance of justice officials, whether prosecutors or judges. This requires both an increase in the quantitative presence in the national territory of justice institutions and an improvement in the quality of justice officials. The passage of the Career Judicial Service Act and the Civil Service Act of the Judicial Branch represent the fulfilment of two important commitments of the Peace Agreements and progress towards the provision of a better quality of service by the State. In addition to the legal framework, efforts are needed in two areas in order to improve the performance of justice officials: a firm commitment to the promotion of greater professionalism among judges and prosecutors and the fostering of a culture of independence. Formidable obstacles exist in both of these areas. Training activities are restricted by the low level of academic training provided by faculties of law. The promotion of a culture of independence runs counter to the culture of dependence that is rooted in an institution which, for decades, remained passive in the face of the abuses committed by the de facto powers or were accomplices to those abuses. It is hoped that the new Supreme Court which was elected on 12 October 1999 would resolutely tackle this twin challenge.

89. It is essential for the Public Prosecutor's Office to conduct the criminal investigation which it is required to do under the law and to ensure that its actions are effectively coordinated with those of the National Civil Police. As previously stated in earlier reports, the Mission regrets that this institution, which by definition should take firm action to prevent the perpetuation of impunity in the country, has on numerous occasions failed to discharge its most basic responsibilities.

Executive branch

90. The Public Prosecutor's Office and the judiciary are not the only bodies responsible for the fight for an effective and independent justice system. Indeed, the weakness of these two bodies is compounded by the attitude of institutions of the executive branch which refuse to fully cooperate with the justice system when agents of the State are involved or, even worse, when they use various means to exert pressure on and to interfere directly in the judicial process. In two typical cases, such as those of Xamán and Monsignor Gerardi, this lack of cooperation or interference has been blatant. The independence of judges and prosecutors is a shared responsibility. The highest authorities of the Public Prosecutor's Office and of the judiciary, in their capacities as guarantors of the independence or autonomy of the bodies which they head, are required to respect that independence. The Government must also demonstrate its unambiguous support for justice officials, by denouncing and severely punishing those responsible for interference or for failing to cooperate with the justice system.

91. Special consideration should be given to the issue of the parallel investigations carried out by agencies that are answerable to the Government. In previous reports, the Mission severely criticized the involvement of army units in anti-kidnapping activities that lacked any legal basis and during which grave violations of human rights, such as forced disappearances, took place. During the period under review, new evidence came to light of a practice of parallel investigations carried out with the participation of intelligence services without the knowledge of the judicial authorities. In the Gerardi case, there is strong evidence of

the participation of the Strategic Affairs Secretariat and military intelligence. As in the case of anti-kidnapping operations, an attempt has been made to justify the existence of parallel investigations by citing the higher interest of the State in solving particularly serious cases. Nevertheless, after reviewing the course of the official investigations during the year which followed the murder of Monsignor Gerardi, the Mission notes that these parallel investigations have had the effect of fragmenting, disrupting and confusing the work of the Public Prosecutor's Office, thereby perpetuating impunity for the crime. A similar situation has been noted in the parallel investigations carried out in the Ordóñez Porta case. The Mission recommends that the Government should rigorously enforce the prohibition contained in the Peace Agreements against the involvement of military intelligence organizations in civilian matters, particularly in judicial investigations. This involvement is particularly detrimental when one of the allegations is precisely the responsibility of agents of the State, military or ex-military personnel, since parallel investigations can subvert the judicial investigation and result in a cover-up. The Mission will be monitoring the situation to see whether the Government takes the necessary measures to strictly enforce this prohibition by, *inter alia*, including rules to this effect in the doctrine and system of military instruction. The Mission also attaches high priority to the establishment of the Division of Civil Intelligence of the Ministry of the Interior, which should be staffed with new personnel.

National Civil Police

92. During the reporting period, the deterioration in the human rights situation was also due to the actions of the National Civil Police. It should be mentioned, however, that the Mission has noted improvements in its performance, particularly a more active policy to combat the phenomenon of lynching, which has had positive results. It has also noted a reduction in violations stemming from the excessive use of force in eviction or similar operations resulting in large numbers of victims. At the same time, the Mission has noted with concern the increase in cases of torture associated with the investigation of crimes and offences, especially in certain specialized bodies such as the Criminal Investigation Service. The Mission made a recommendation on this subject in its previous report (see A/53/853, para. 90). This situation is due in part to the deficiencies of the Office of Professional Accountability. With approximately 70 staff members, this Office, which is located in the capital, is required to serve more than 17,000 police officers throughout the country. In addition to an increase in staffing, the Office is in urgent need of more modern technical infrastructure in the form of high-performance, efficient and reliable information processing and storage systems. The internal mechanisms for monitoring the National Civil Police and upgrading the capacities of the police academy must also be strengthened in order to meet the challenge of the purification of an institution in which the new culture of public service and respect for the law clashes with the traditions of abuse followed by many former members of the former National Police.

Lynchings

93. The persistence, spread and seriousness of the phenomenon of lynchings urgently requires coordinated action on the part of the State institutions concerned. In addition to greater effort by the authorities, legislative measures must be adopted that reconcile community-based mechanisms for resolving conflicts with the formal justice system so that the procedures used would better respond to the needs of the population concerned.

A human rights policy

94. The worsening human rights situation in Guatemala, three years after the signing of the Peace Agreements, gives cause for concern. Some of the measures needed to reverse this trend are of a medium- and long-term nature. Imparting greater professionalism and dignity to the judicial career requires changes at all levels, including changes in mentality. It also requires a change in mentality to no longer consider the army as the last recourse in serious cases of impunity. Changes such as these will not be achieved without political will on the part of the national leadership. In its reports, the Mission stressed the need to adopt measures to combat the use of threats or the fear of reprisals against individuals and officials who play key roles in criminal proceedings and the fight against impunity. It therefore welcomed the Act for the Protection of Persons Involved in the Conduct of Judicial Proceedings and Persons Linked to the Administration of Criminal Justice. Three years after the passage of this Act, the Public Prosecutor's Office should speedily conclude the formalities required for the enforcement of its provisions and proceed to establish an office for protection endowed with adequate budgetary resources with a view to ensuring the effective functioning of the system.

95. Despite the Mission's recommendations (see A/52/946, annex, para. 108), no progress has been made towards fulfilling the commitment to perfect the norms and mechanisms for the protection of human rights through the ratification or signing of new instruments. The Mission

therefore once again calls upon the Government to deposit with the Secretary-General of the United Nations its instrument of ratification of the Optional Protocol to the International Covenant on Civil and Political Rights and to recognize the competence of the Committee Against Torture and the Committee on the Elimination of Racial Discrimination, so that the respective Committees could receive communications from individuals. The Mission once more stresses the need for the Government to complete the process of ratification of the Inter-American Convention on Forced Disappearance of Persons, by depositing the relevant instruments with the Organization of American States, as an effective means of fostering in the international community recognition of enforced disappearance as a crime against humanity.

96. With regard to the ownership, use and bearing of firearms by individuals, there is clearly an urgent need for the State to have effective and reliable mechanisms of control, given the indiscriminate proliferation of this type of weapons and their widespread marketing. To that end, the commitment to reform the Arms and Munitions Act must be implemented as soon as possible.

97. In view of the worsening situation in recent times, the Mission reiterates the urgent need for an active and coherent human rights policy, as a short-term factor that would enable Guatemala to return to the path of greater respect for human rights. In its resolution 54/99 of 8 December 1999 on the peace process in Guatemala, the General Assembly called upon the Government to "redouble its efforts in the promotion of human rights, taking into account the recommendations contained in the reports on human rights of the United Nations Verification Mission in Guatemala". The Mission will carefully monitor the actions of the State authorities to ensure compliance with these requirements.

Appendix

Statistics on human rights violations during the period from 1 January to 30 September 1999

		Reported in the period under review				*Reported in earlier periods*		*Total confirmed in the period under review*
		Complaints admitted	*Violations alleged*	*Violations verified*	*Violations confirmed*	*Violations verified*	*Violations confirmed*	
Right to life (A)								
A1	Extrajudicial executions or deaths in violation of legal guarantees	27	39	18	13	48	34	47
A2	Attempted extrajudicial executions	5	7	4	4	14	9	13
A3	Death threats	27	63	37	11	16	6	17
	Total	**59**	**109**	**59**	**28**	**78**	**49**	**77**
Right to integrity and security of person (B)								
B1	Torture	7	29	24	22	7	5	27
B2	Cruel, inhuman or degrading treatment	17	39	35	32	15	14	46
B3	Ill-treatment	20	40	14	13	31	22	35
B4	Excessive use of force	2	6	4	2	106	2	4
B5	Other threats	18	99	67	7	220	8	15
	Total	**64**	**213**	**144**	**76**	**379**	**51**	**127**
Right to individual liberty (C)								
C1	Arbitrary detention	12	62	42	38	35	18	56
C2	Detention in violation of legal guarantees	4	60	47	47	23	20	67
C3	Kidnapping	0	0	0	0	2	2	2
C4	Hostage-taking	0	0	0	0	0	0	0
C5	Enforced disappearance	1	2	0	0	0	0	0
C6	Forcible, unjust or discriminatory recruitment	0	0	0	0	0	0	0
	Total	**17**	**124**	**89**	**85**	**60**	**40**	**125**
Right to due process (D)								
D1	Right to be presumed innocent	9	109	94	91	199	196	267
D2	Right to be judged by a competent, independent and impartial judge	5	11	5	5	516	514	519
D3	Right to be tried within a reasonable time	3	7	2	2	14	14	18
D4	Right to defence and to be assisted by a lawyer	5	102	96	96	110	110	206
D5	Right to be assisted by an interpreter	2	7	3	2	2	1	3
D6	Right not to be compelled to testify against oneself	0	3	3	3	0	0	3
D7	Right of appeal	1	3	3	0	100	100	100
D8	Right of habeas corpus	1	4	4	4	0	0	4
D9	Right of access to the justice system	14	22	9	6	178	173	181

	Reported in the period under review				Reported in earlier periods		Total confirmed in the period under review
	Complaints admitted	*Violations alleged*	*Violations verified*	*Violations confirmed*	*Violations verified*	*Violations confirmed*	
D10 Obstruction of the work of the National Police, the Public Prosecutor's Office and the judiciary	32	76	40	39	904	895	934
D11 Legal duty of the State to investigate and punish	81	1 212	342	239	1 152	927	1 166
D12 Right to compensation	0	0	0	0	429	1	1
D13 Legal guarantees for the victim	2	101	83	93	153	152	245
Total	**155**	**1 657**	**694**	**582**	**3 757**	**3 083**	**3 665**
Political rights (E)							
E1 Right to have access to public service	0	1	0	0	1	1	1
E2 Right to be registered on the electoral roll	7	262	261	260	50	0	260
E3 Right to vote	1	3	3	0	0	0	0
E4 Right to hold political office	0	1	0	0	0	0	0
Total	**8**	**267**	**264**	**260**	**51**	**1**	**261**
Right to freedom of expression (F)	**1**	**5**	**5**	**3**	**1**	**1**	**4**
Right to freedom of association and assembly (G)							
G1 Right to freedom of association	2	132	0	0	19	1	1
G2 Right to organize	6	871	355	355	0	0	355
G3 Freedom of assembly	0	0	0	0	1	1	1
Total	**8**	**1 003**	**355**	**355**	**20**	**2**	**357**
Right to freedom of movement and residence (H)							
H1 Deprivation of documents	0	0	0	0	0	0	0
H2 Enforced population displacement	2	100	100	94	0	0	94
H3 Freedom of movement	1	1	1	1	0	0	1
Total	**3**	**101**	**101**	**95**	**0**	**0**	**95**
Violations of the Agreement on Identity and Rights of Indigenous Peoples (P)							
P1 Freedom of thought, conscience and religion	0	1	1	1	0	0	1
P2 Use of indigenous languages	0	0	0	0	50	0	0
P3 Use of indigenous dress	1	69	69	69	0	0	69
P4 Right to register names in indigenous languages	0	0	0	0	0	0	0
Total	**1**	**70**	**70**	**70**	**50**	**0**	**70**
Grand total	**316**	**3 549**	**1 781**	**1 554**	**4 396**	**3 227**	**4 781**

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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-fourth year

Letter dated 22 December 1999 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israel's attacks on southern Lebanon and the Western Bekaa and the arbitrary practices against the civilian inhabitants in which it engages on a daily basis, I have the honour to notify you of the series of such incidents that took place in November 1999.

1 November 1999

At 0130 hours Israeli occupation forces fired five 120-mm mortar shells at Jabal Jabbur from the Ahmadiyah hill position.

At 0330 hours an Israeli gunboat off Mansuri fired several bursts of medium-weapons fire in all directions.

Between 0430 and 0520 hours occupying Israeli forces and the Lahad militia collaborating with them fired four 155-mm artillery shells and eight 81-mm mortar shells at outlying areas of Bra'shit, Ayta al-Jabal, Tiri and Tibnin from the positions at the Mays al-Jabal checkpoint, Bayt Yahun, Ruwaysat al-Jamus and Ba'lul hill.

Between 0615 and 0655 hours Israeli warplanes overflew the South at very high altitudes. At 0625 hours they attacked the area between Zawtar al-Gharbiyah and Qa'qa'iyat al-Jisr, firing an air-to-surface missile.

At 0630 hours the proxy militia fired several 155-mm artillery shells at outlying areas of Habbush from the Zafatah position.

At 0840 hours the collaborators' militia directed bursts of medium-weapons fire at the area around its position at the Zimriya crossing.

Between 0930 and 1230 hours the collaborators' militia directed several bursts of medium-weapons fire at the easternmost neighbourhood of Kafr Tibnit, at Burj hill and at the Kafr Tibnit crossing from the Dahr al-Maydan and Burj hill positions.

Between 1000 and 1200 hours Israeli warplanes overflew the South, the Western Bekaa, the North and Mount Lebanon, breaking the sound barrier.

Between 1210 and 1400 hours Israeli warplanes overflew the South. At 1300 and 1315 hours, in two waves, they attacked Ayn al-Shamaliyah, between Jarju' and Ayn Bu Siwar, firing two air-to-surface missiles.

Between 1550 and 1825 hours occupation forces and the collaborators' militia fired several 155-mm artillery shells and 120-mm and 81-mm mortar shells at outlying areas of Haris, Haddatha, Jabal al-Rafi' and Mazra'at Uqmata from the Ruways, Zafatah and Rayhan positions.

At 1750 and 1825 hours Israeli warplanes attacked outlying areas of Jba' in two waves, firing two air-to-surface missiles.

At 2030 hours occupation forces directed several bursts of medium-weapons fire at areas along the Tasah spring from the Ksarat al-Urush position.

Between 2025 and 2245 hours Israeli warplanes overflew the South. Between 2035 and 2205 they carried out seven attacks on outlying areas of Jba' and on Mlita hill, firing nine air-to-surface missiles.

Between 2125 and 2200 hours Israeli warplanes carried out four attacks, three on Jabal Abu Rashid and one on the Jabbur pool, firing four air-to-surface missiles.

2 November 1999

Between 0350 and 0530 hours the collaborators' militia fired five 81-mm mortar shells at outlying areas of Haddatha, Haris, Ayta al-Jabal and Bra'shit from the Shaqif al-Naml, Ba'lul hill and Ruways positions.

At 1100 and 1125 hours Israeli warplanes attacked Jabal Bir al-Dahr in two waves, firing two air-to-surface missiles.

Between 1400 and 1445 hours occupation forces fired five 155-mm artillery shells at Jabal Maydun from the Abu Qamhah position.

Between 1650 and 1655 hours two Israeli helicopters flew off the Qulaylah coast at very high altitudes.

Between 1710 and 1730 hours Israeli occupation forces fired five 155-mm artillery shells at outlying areas of Majdal Zun, Mansuri and Izziyah from the Tall Ya'qub position.

Between 1805 and 1810 hours Israeli warplanes overflew the Tyre area at very high altitudes.

At intervals between 1910 and 2110 hours Israeli warplanes overflew the South at various altitudes. At 1910 hours they attacked Wadi Kafra, firing an air-to-surface missile.

Between 2015 and 2030 hours occupation forces fired eight 155-mm artillery shells at outlying areas Zibqin and Jibal al-Butm from the Tall Ya'qub position.

3 November 1999

Between 0300 and 0330 hours occupation forces fired 15 120-mm mortar shells at the area around Jabal Jabbur from the Amhadiyah hill position.

Between 0600 and 0605 hours the Lahad proxy militia fired several 120-mm mortar shells at areas along the Zahrahi River towards Habbush from the Zafatah position.

At intervals between 1630 and 1735 hours Israeli occupation forces fired nine 155-mm artillery shells at outlying areas of Khirbat Silm, Majdal Zun, Mansuri and Wadi al-Qaysiyah from the positions at the Mays al-Jabal checkpoint and Tall Ya'qub.

At 1245 hours the collaborators' militia fired several 155-mm artillery shells at areas along the Tasah spring, Jabal al-Rafi' and Mazra'at Uqmata from the Zafatah position. A fire broke out between Jarju' and Luwayzah.

Between 1925 and 2225 hours occupation forces and the proxy militia fired several 155-mm artillery shells, 120-mm mortar shells and direct-fire rounds at outlying areas of Yatar, Jibal al-Butm, Zibqin, Majdal Zun, Jabal al-Rafi', Jabal Shwayya and Jabal Abu Rashid from the positions at Tall Ya'qub, Rayhan, Shurayfah hill, Shwayya hill and Ayn Qinya.

Between 2235 and 2245 hours elements of the collaborators' militia directed several bursts of miscellaneous automatic-weapons fire at outlying areas of Haddatha and Haris from the Rshaf position.

Between 2335 and 2345 hours Israeli occupation forces fired eight 155-mm artillery shells at outlying areas of Jibal al-Butm, Zibqin and Shu'aytiyah from the Tall Ya'qub position.

4 November 1999

Muhammad Tawfiq Surur, a driver, was seized by militia agents on his return from Beirut to his home town, Ayta al-Sha'b, and taken to the Khiyam detention camp.

Between 0500 and 0615 hours the collaborators' militia fired several 120-mm mortar shells and 155-mm artillery shells and directed a number of bursts of medium-weapons fire at Jabal al-Rahibat, areas along the Tasah spring and Wadi al-Fatir from the Ahmadiyah hill, Zafatah and Zimriya positions.

Between 0905 and 0930 hours Israeli warplanes overflew the South at very high altitudes.

At 1245 hours the collaborators' militia fired four 81-mm mortar shells at outlying areas of Tiri, Rshaf and Haddatha from the Shaqif al-Naml position.

Between 1605 and 1825 hours occupying Israeli forces fired 17 155-mm artillery shells at outlying areas of Shaqra, Zibqin, Jibal al-Butm and Shu'aytiyah from the positions at the Mays al-Jabal checkpoint and Tall Ya'qub.

At 1945 hours occupation forces directed several bursts of medium-machine-gun fire at the abandoned Lebanese Army barracks in Nabatiyah and outlying areas of Nabatiyah al-Fawqa from Dabshah hill.

Between 2050 and 2250 hours Israeli occupation forces and the collaborators' militia directed several bursts of medium-machine-gun fire at the easternmost neighbourhood of Yuhmur from the positions at Qal'at al-Shaqif (Château de Beaufort), Tallusah, Markaba and Hula.

Between 2305 and 2340 hours occupation forces and the collaborators' militia fired several 155-mm artillery shells and directed a number of bursts of medium-machine-gun fire at outlying areas of Shaqra and Tibnin and at the area around the Sala'ah position from the positions at the Mays al-Jabal checkpoint and Sala'ah.

5 November 1999

At 0445 and 0450 hours Israeli occupation forces and the Lahad proxy militia fired 10 direct-fire rounds, six 120-mm and 81-mm mortar shells and two 155-mm artillery shells and directed several bursts of medium-weapons fire at outlying areas of Majdal Zun and Mansuri from the Bayyadah, Shama' and Tall Ya'qub positions.

At 0500 hours an Israeli gunboat off Bayyadah fired several bursts of medium-weapons fire in all directions.

At 0500 hours the Israel Navy stopped a fishing boat with passengers on board off Ra's al-Ayn. It released them at 1200 hours.

At 0520 hours Israeli occupation forces fired two direct-fire nail-type rounds at Nabatiyah al-Fawqa.

At 0555 and 0615 hours the Lahad proxy militia fired 120-mm mortar shells at Jabal al-Rafi' and the area around Burj hill from the Zafatah and Burj hill positions.

At 1410 hours Israeli occupation forces fired several 120-mm artillery shells at Jabal Bir al-Dahr and one shell at the Mimis ridge from the Ayn Qinya position.

At 1455 hours the collaborators' militia fired three direct-fire rounds at Jabal Bir al-Dahr from the Zimriya crossing position.

Between 1730 and 1740 hours Israeli occupation forces fired three 155-mm artillery shells at outlying areas of Shaqra and Majdal Zun from the position at the Mays al-Jabal checkpoint.

Between 1850 and 2150 hours occupying Israeli forces and the proxy militia fired several 155-mm artillery shells, 120-mm mortar shells and direct-fire rounds and directed bursts of medium-weapons fire at outlying areas of Shaqra, Majdal Zun and Bfarwah, at Jabal Safi and at the area around Sujud hill, Ksarat al-Urush and Jabal al-Rafi' from the positions at the Mays al-Jabal checkpoint, Ksarat al-Urush, Sujud hill, Razlan hill and Zafatah.

Between 1650 and 2200 hours occupying Israeli forces fired 44 120-mm mortar shells at Jabal Jabbur from the Ahmadiyah hill position.

At 1410 hours occupation forces and the collaborators' militia fired several 81-mm and 120-mm mortar shells and direct-fire rounds at Jabal Safi, the abandoned Lebanese Army barracks in Nabatiyah al-Fawqa, Wadi al-Kafur, the area around Dabshah hill and areas along the Zahrani River from the Dabshah hill and Zafatah positions.

6 November 1999

At 0000 hours the proxy militia fired five 81-mm mortar shells at outlying areas of Haddatha from the Shaqif al-Naml position.

Between 0200 and 0210 hours occupation forces fired 18 155-mm artillery shells at outlying areas of Tibnin, Majdal Silm and Shaqra from the position at the Mays al-Jabal checkpoint.

At 0555 hours the proxy militia fired several artillery shells at areas along the Zahrani River from the Zafatah position.

Between 0600 and 0700 hours the collaborators' militia fired several 81-mm and 120-mm mortar shells and directed bursts of miscellaneous-weapons fire at areas around Bra'shit, Haddatha and Tibnin from the Shaqif al-Naml and Ba'lul hill positions. In Haddatha a 120-mm mortar shell fell on the roof of an unoccupied dwelling and made a breach in it. Two dwellings were hit by medium-weapons rounds, one of them occupied and owned by Nazih Musa Nasir and the other unoccupied. In Bra'shit four dwellings were hit by several pieces of shrapnel and an 81-mm mortar shell fell on the roof of an unoccupied dwelling.

At 0605 hours the collaborators' militia fired four direct-fire rounds and two 120-mm mortar shells at Jabal Bir al-Dahr from the Zwayya and Zaghlah hill positions. Occupation forces also fired six 81-mm mortar shells at an area south of Dallafah from the Ahmadiyah hill position.

At 1100 hours occupying Israeli forces fired several 155-mm artillery shells at the area around Sujud hill from the Shurayfah position.

Between 1225 and 1400 hours the Lahad proxy militia fired seven 120-mm direct-fire rounds at Jabal Bir al-Dahr from the Ayn Qinya position.

Between 1515 and 1635 hours the collaborators' militia fired 23 120-mm mortar shells at Jabal Bir al-Dahr from the Zaghlah hill and Ahmadiyah hill positions.

Between 2010 and 2030 hours Israeli occupation forces fired several 155-mm artillery shells at areas around Sujud hill from the Shurayfah position.

Between 2050 and 2100 hours Israeli occupation forces fired eight 155-mm artillery shells at outlying areas of Jibal al-Butm, Shu'aytiyah and Siddiqin from the Tall Ya'qub position.

7 November 1999

At 0040 hours an Israeli helicopter fired an air-to-surface missile in the Tayr Harfa area north-east of Yatar.

Between 0610 and 0635 hours the collaborators' militia fired several 120-mm mortar shells at areas along the Zahrani River from the Zafatah position.

Between 0430 and 0500 hours occupation forces fired four 155-mm artillery shells at Jabal al-Za'tar from the position at the Mays al-Jabal checkpoint.

Between 0640 and 0700 hours an Israeli gunboat off Amiriyah fired several bursts of medium-weapons fire in all directions.

During the night of 6/7 November and up to 0650 hours occupation forces fired 30 120-mm mortar shells at Jabal Bir al-Dahr and Dahr al-Jinzir from the Ahmadiyah hill and Abu Qamhah positions.

At 1100 hours the Lahad proxy militia fired eight 120-mm mortar shells at an area to the west of Jabal al-Rahibat from the Ahmadiyah hill position.

At 0905 hours an Israeli gunboat off Rashidiyah camp fired several bursts of medium-weapons fire in all directions.

At 1240 hours Israeli occupation forces and the Lahad proxy militia fired several 120-mm mortar shells at Mazra'at Uqmata and Mlita hill from the two Rayhan positions.

Between 1715 and 1835 hours Israeli warplanes overflew the South at very high altitudes.

At 1920 hours Israeli occupation forces and the proxy militia fired 10 81-mm and 120-mm mortar shells at the southernmost neighbourhood of Arabsalim and at an outlying area beyond the government school from the Rayhan, Zafatah and Suwayda hill positions.

Between 1920 and 2230 hours occupying Israeli forces and the Lahad proxy militia fired several 155-mm artillery shells, 120-mm and 81-mm mortar shells and two direct-fire rounds at outlying areas of Jba', at areas along the Zahrani River and the Tasah spring and at the area around Sujud hill from the positions at Zafatah, Rayhan, Ksarat al-Urush and Razlan hill.

8 November 1999

Between 0420 and 0615 hours occupation forces and the proxy militia fired 15 155-mm artillery shells and one 81-mm mortar shell at outlying areas of Yatar, Haddatha, Tibnin, Bra'shit, Wadi al-Qaysiyah and the area around the abandoned Lebanese Army barracks in Nabatiyah from the positions at the Mays al-Jabal checkpoint, Tall Ya'qub and Dabshah hill.

At 0540 and 0555 hours occupying Israeli forces and the Lahad militia collaborating with them fired several 155-mm artillery shells and 120-mm and 81-mm mortar shells and one direct-fire round at outlying areas of Majdal Zun and Mansuri from the Tall Ya'qub, Bayyadah and Hardun positions.

At 0645 hours the collaborators' militia fired several 155-mm artillery shells at Wadi al-Kafur from the Zafatah position.

Between 0830 and 0930 hours the proxy militia at the position at the Zimriya crossing directed several bursts of medium-weapons fire at the area around the crossing itself.

At 0830 hours the proxy militia removed Ali Abd al-Majid Sharaf al-Din from the Kafr Tibnit crossing. He was questioned and released.

Between 1025 and 1130 hours occupation forces and the proxy militia fired several 155-mm artillery shells and 120-mm mortar shells at the area around Sujud hill, areas along the Tasah spring and Mlita hill from the positions at Zafatah, Ksarat al-Urush, Razlan hill and Sujud hill.

At 1040 hours the Lahad proxy militia fired an 81-mm mortar shell at an outlying area of Bra'shit from the Tall Ya'qub position.

Between 1345 and 1525 hours Israeli warplanes overflew the South at various altitudes. At 1415 hours they attacked outlying areas of Majdal Zun, firing an air-to-surface missile.

Between 1835 and 2015 hours Israeli occupation forces fired several 120-mm mortar shells at the area around Sujud hill from the Ksarat al-Urush position.

At 2120 hours occupation forces fired five 155-mm artillery shells at outlying areas of Yatar from the Tall Ya'qub position.

During the night the collaborators' militia arrested Ayman Muhammad Surur and Yusuf Muhammad Surur in Ayta al-Sha'b and took them to Khiyam prison.

9 November 1999

At 0050 hours the collaborators' militia fired three 120-mm mortar shells at Jabal Jabbur from the Ahmadiyah hill position.

Between 0215 and 0530 hours the proxy militia directed several bursts of medium-weapons fire at outlying areas of Majdal Zun, Mansuri and Buyut al-Siyad

from the positions at Bayyadah, Hardun hill and the Hamra crossing. It also launched six illumination flares over these same positions.

Between 0520 and 0550 hours occupation forces fired 22 155-mm artillery shells at outlying areas of Tibnin, Shaqra, Yatar, Kafra, Jibal al-Butm, Siddiqin and Rishknaniyah from the positions at the Mays al-Jabal checkpoint and Tall Ya'qub.

Between 0850 and 0900 hours an Israeli gunboat off Bayyadah fired several bursts of medium-weapons fire in all directions.

Between 1025 and 1335 hours Israeli warplanes overflew all parts of Lebanon at very high altitudes, breaking the sound barrier. Two Israeli helicopters also flew over Jabal al-Ruhban, Jabal Jabbur and Jabal Abu Rashid.

At 1225 hours the collaborators' militia fired two 155-mm artillery shells at Mazra'at Uqmata from the Zafatah position.

Between 1235 and 1245 hours the Lahad proxy militia fired several 81-mm mortar shells and directed a number of bursts of medium-weapons fire at outlying areas of Arabsalim, Humin al-Fawqa and Habbush from the Suwayda hill position. A fire broke out and, in Arabsalim, an occupied dwelling belonging to Ali Muhammad Hasan was hit by shrapnel.

Between 1310 and 1340 hours Israeli occupation forces fired four 155-mm artillery shells at Wadi al-Qaysiyah from the position at the Mays al-Jabal checkpoint.

At 1315 hours Israeli warplanes attacked outlying areas of Sawwanah, Khirbat Silm and Tulin, firing two air-to-surface missiles. Substantial damage was done to four dwellings in Khirbat Silm, three of which were occupied. The dwellings belong to Zakariya Muhammad Nur al-Din, Mustafa Muhammad Nur al-Din, Muhammad Ali Sawi and Salimah Khalil Majid.

Between 1615 and 1645 hours Israeli occupation forces fired eight 155-mm artillery shells at Jabal al-Jabbur from the Shurayfah hill position.

At 1620 hours occupation forces fired several 155-mm artillery shells at outlying areas of Rayhan and an area to the east of Mlikh from the Shurayfah position.

Between 1620 and 1650 hours Israeli warplanes overflew the South. At 1625 hours they attacked Khirbat Silm and Sawwanah, firing an air-to-surface missile. Window panes in the home of former deputy Abd Allah al-Amin in Sawwanah were broken.

Between 1830 and 2150 hours occupation forces and the collaborators' militia fired several 155-mm artillery shells and 120-mm mortar shells at the area around Sujud hill, areas along the Tasah spring, Jabal al-Rafi' and Jba' from the Shurayfah, Zafatah and Dabshah hill positions. A number of 81-mm mortar shells and bursts of medium-weapons fire were also directed at outlying

areas of Nabatiyah al-Fawqa, areas around Qasr Ghandur and outlying areas of Kafr Rumman.

Between 2010 and 2125 hours Israeli warplanes overflew the South. At 2100 hours they attacked areas around the position of the collaborators' militia at Bi'r Kilab, firing an air-to-surface missile. Israeli helicopters and reconnaissance aircraft also overflew the Jabal al-Rafi', Ksarat al-Urush, Jabal Bir al-Dahr, Marj al-Zuhur, Qilya, Maydun, Jabal al-Rahibat and Jabal Jabbur areas.

10 November 1999

At 0840 and 0900 hours an Israeli reconnaissance aircraft overflew Jabal Bir al-Dahr.

Between 1730 and 1750 hours two Israeli helicopters overflew the Hasbayya and Kawkaba areas.

At 1750 hours occupation forces and the collaborators' militia at the Dabshah hill and Ali al-Tahir hill positions directed several bursts of medium-machine-gun fire at the areas around Qasr Ghandur and around the two hills themselves.

At 1900 hours two Israeli gunboats offshore between Ra's al-Ayn and Mansuri fired several bursts of medium-weapons fire in all directions.

At 2045 hours occupying Israeli forces fired several 155-mm artillery shells and 120-mm and 81-mm mortar shells and directed a number of bursts of medium-weapons fire at outlying areas of Kafr Rumman, areas along the Zahrani River and the area around Suwayda hill from the Shurayfah, Zafatah and Suwayda hill positions.

At 2050 hours occupation forces fired six 155-mm artillery shells at outlying areas of Haddatha from the Tall Ya'qub position.

During the day, for reasons unknown, elements of the Lahad proxy militia's security service in Ayta al-Sha'b arrested Husayn Abd al-Majid Surur (mother's name Subhiyah, from Ayta al-Sha'b and a resident there) and took him to Khiyam prison.

11 November 1999

Between 0000 and 0130 hours an Israel command aircraft and an Israeli reconnaissance aircraft overflew the South at very high altitudes.

Between 0000 and 0700 hours the collaborators' militia at the Zafatah, Burj hill and Ali al-Tahir hill positions fired several 155-mm artillery shells and 120-mm mortar shells and directed a number of bursts of medium-weapons fire at outlying areas of Jba' and Jabal al-Rafi' and at areas around the two hills themselves. It also launched two illumination flares over the area around Ali al-Tahir hill.

Between 0330 and 0430 hours Israeli warplanes overflew the South. At 0345 hours they attacked Jabal al-Rafi', firing an air-to-surface missile.

Between 0400 and 0650 hours an Israeli gunboat off Mansuri launched three illumination flares over the shore and fired several bursts of medium-weapons fire in all directions.

Between 0405 and 0630 hours occupying Israeli forces fired several 155-mm artillery shells at outlying areas of Zibqin, Jibal al-Butm, Majdal Zun, Izziyah, Yatar, Hirbin, Bra'shit, Haddatha, Tibnin and Wadi al-Qaysiyah from the positions at Tall Ya'qub and the Mays al-Jabal checkpoint.

At 0830 hours the collaborators' militia fired several medium-weapons rounds at the easternmost neighbourhood of Kafr Tibnit from the Burj hill position without causing damage.

At 0835 hours the collaborators' militia fired six 120-mm mortar shells at outlying areas Haddatha, Sribbin and Rshaf from the Jabal Hamid position.

At 1405 hours the Lahad proxy militia directed a burst of medium-weapons fire at a point beyond Jabal Bir al-Dahr from the Zimriya position.

Between 1625 and 1840 hours the collaborators' militia fired several 120-mm mortar shells at Jabal al-Rafi' and areas along the Tasah spring from the Zafatah position.

12 November 1999

At 0630 hours outlying areas of Khirbat Silm, Sawwanah, Majdal Silm and Wadi al-Qaysiyah came under Israeli artillery fire. At 0650 and 0655 hours hostile aircraft attacked Wadi al-Qaysiyah in two waves, firing four air-to-surface missiles. There were no reports of casualties.

At 1000 hours the Israeli artillery bombardment of outlying areas of Khirbat Silm, Sawwanah, Majdal Silm and Wadi al-Qaysiyah that had begun at 0630 hours came to a halt.

At 1100 hours clashes in which various types of weapons were used took place between elements of the National Resistance and Israeli and Lahad militia forces in the Jabal al-Rayhan area and continued until 1700 hours. There were no reports of casualties.

At 1145 hours outlying areas of Tibnin, Kafra, Ayta al-Jabal, Haddatha and Bra'shit came under Israeli artillery fire. In Kafra, the homes of two Lebanese were damaged, namely those of Ramiz Muhammad Abbadi, 40, and Ali Musa Yahya, 50.

At 0630 hours outlying areas of Nabatiyah al-Fawqa and the abandoned Lebanese Army barracks there as well as Wadi al-Kafur came under Israeli artillery fire.

At 0850 hours Israeli warplanes attacked outlying areas of Shu'aytiyah and Jibal al-Butm, firing several air-to-surface missiles. There were no reports of

casualties. At 1140 hours outlying areas of Siddiqin and Ramadi were similarly bombarded.

At 1145 hours outlying areas of Arabsalim, Jarju' and Ayn Bu Siwar, areas along the Tasah spring and the Zahrani River and the main road between Humin al-Fawqa and Jisr al-Sitt Zubaydah came under Israeli artillery fire and hostile warplanes also attacked the Mlita hills. At 1230 hours outlying areas of Zawtar al-Gharbiyah, Mayfadun and Qa'qa'iyat al-Jisr came under Israeli artillery fire that continued until 1600 hours. Dwellings belonging to the following Lebanese residents of Jarju' were damaged: Zahrah Tawfiq Duwayk, 50; Muhammad Yusuf al-Shami, 68; Musa Shukri al-Salibi, 79; Muhammad Husayn Duwayk, 29; Adil Husayn Duwayk, 51; Subhiyah Ahmad Darwish, 69; Ali Hani Darwish, 39; and Muhammad Hani Darwish, 41. Four vehicles, the Husayni Club, the municipal building and power transmission lines were also damaged in Jarju'. In Arabsalim homes belonging to Muhammad Hasan Musa, 57, and to Mahmud Ali Haydar and Yusuf Ali Haydar (not further identified) were also damaged and fire broke out in a private olive grove.

At 1200 hours outlying areas of Qilya and Zillaya in the Western Bekaa came under Israeli artillery fire. The home of Ali Salman Nasir, 64, a Lebanese resident of Qilya, was damaged.

At 1230 hours outlying areas of Majdal Zun, Mansuri, Hinniyah and Izziyah came under Israeli artillery fire.

Between 1230 and 1245 hours the collaborators' militia fired several 120-mm mortar shells at the area around Khilya and at Jabal Bir al-Dahr.

Between 1430 and 1445 hours Israeli warplanes and reconnaissance aircraft overflew the South and the Western Bekaa at various altitudes. At 1435 hours they attacked Mlita hill, firing an air-to-surface missile.

At 1755 hours the collaborators' militia fired three 155-mm artillery shells at Mazra'at al-Hamra and the Yuhmur al-Shaqif lowland from Zafatah.

At 2130 hours the proxy militia fired three 120-mm mortar shells at outlying areas of Kunit, inside the occupied strip, from the Bayt Yahun position.

13 November 1999

Between 0100 and 0530 hours the Lahad militia collaborating with Israel fired seven 120-mm mortar shells and eight 81-mm mortar shells at an area to the west of Jabal Jabbur and the Dallafah spring from Ahmadiyah hill. It also directed bursts of medium-weapons fire at Wadi al-Fatir from Zimriya hill.

At 0905 hours an Israeli gunboat off Bayyadah fired several bursts of medium-weapons fire in all directions.

Between 0935 and 0945 hours the collaborators' militia fired two 155-mm artillery shells and directed several bursts of medium-weapons fire at

Jabal al-Rafi', Mazra'at Uqmata and the easternmost neighbourhood of Kafr Tibnit from the positions at Rayhan and Ali al-Tahir hill.

At 1100 hours the collaborators' militia fired two direct-fire rounds at the area around Sujud hill from the Razlan hill position.

At 1940 hours the Lahad proxy militia fired eight 120-mm shells at the area around Jabal Jabbur from Ahmadiyah hill.

Between 1830 and 2015 hours occupation forces fired several 120-mm mortar shells at the area around the Sujud hill position, Mazra'at Uqmata and outlying areas of Jba' from the Rayhan position.

During the day the Resistance announced that three of its members had been killed on the previous day, 12 November, in Iqlim al-Tuffah. They were: Ahmad Fayyad Subayti; Sa'id Fawzi Qarran; and Ali Zuhayr Zuhri.

At 1645 and 1650 hours occupation forces and the collaborators' militia fired several 81-mm mortar shells at areas along the Litani River from the Sala'ah position.

At 1840 hours Israeli warplanes attacked outlying areas of Zawtar al-Gharbiyah and Zawtar al-Sharqiyah towards the Litani River, firing an air-to-surface missile. In Zawtar al-Gharbiyah windows were broken in six houses, belonging to the following residents: Husayn Munif Nami; Mustafa Muhammad Harbi; Sulayman Husayn Unaysi; Basimah Suwaydan; Abd al-Karim Harbi; and Jamil Husayn Darwish.

At 1850 and 1910 hours an Israeli gunboat off Mansuri and Qulaylah fired several bursts of medium-weapons fire in all directions.

14 November 1999

In Ayta al-Sha'b during the day the proxy militia arrested Hasan Husayn Surur and Ibrahim Hasan Nassar, both from and residents of the town, and took them to Khiyam prison.

Between 0000 and 0015 hours occupation forces fired four 155-mm artillery shells at Jabal al-Za'tar and outlying areas of Bra'shit from the position at the Mays al-Jabal checkpoint.

At 0410 hours Israeli occupation forces directed several bursts of medium-weapons fire at outlying areas of Yuhmur from Qal'at al-Shaqif (Château de Beaufort).

At 0800 hours occupation forces and the proxy militia fired 24 155-mm artillery shells, five 120-mm mortar shells and four direct-fire rounds and directed bursts of medium-weapons fire at outlying areas of Jibal al-Butm, Zibqin, Izziyah, Majdal Zun and Mansuri from the Hardun hill and Jabal Balat positions.

At 1220 hours the proxy militia directed several bursts of medium-weapons fire at Jabal Bir al-Dahr from the Zwayya position.

At 1320 hours occupation forces and the collaborators' militia fired several 155-mm artillery shells, 120-mm mortar shells and direct-fire rounds at Jabal al-Rafi', Jabal Safi and Uqmata and areas around Sujud hill from Sujud hill, Suwayda hill, Zafatah and Shurayfah.

At 1725 hours Israeli occupation forces fired several 120-mm mortar shells at areas around the 4th Intervention Battalion's base from the Ksarat al-Urush position.

Between 1820 and 2025 hours occupation forces and the collaborators' militia fired several 155-mm artillery shells and directed bursts of medium-weapons fire at Mlita hill, areas along the Tasah spring, the area around Sujud hill and the town of Mlikh from the Zafatah, Ksarat al-Urush, Shurayfah and Sujud hill positions.

15 November 1999

Between 0330 and 0445 hours an Israeli gunboat off Mansuri fired several bursts of medium-weapons fire in all directions.

Between 0730 and 0740 hours the proxy militia fired several 120-mm mortar shells at the area around Sujud hill from the Rayhan position.

Between 0730 and 1230 hours Israeli warplanes overflew the Shuf, the South and the Western Bekaa at various altitudes.

Between 1440 and 1540 hours occupation forces and the collaborators' militia fired several 155-mm artillery shells at the area around Sujud hill and outlying areas of Kafr Hunah from the Zafatah, Shurayfah and Sujud hill positions. A tank round also fell in an outlying area between Sarba and Humin al-Fawqa.

At 1835 and 1935 hours the proxy militia fired several 120-mm mortar shells at the Abbas intersection outside Jba'.

At 1900 hours the Lahad militia collaborating with Israel fired three 100-mm mortar shells at Jabal Bir al-Dahr from the Abu Qamhah position.

16 November 1999

At 0945 hours Israeli warplanes overflew the Nabatiyah area, carrying out mock attacks in Iqlim al-Tuffah.

At 1700 hours outlying areas of Siddiqin, Ramadiyah and Jibal al-Butm and the Asi locality in Siddiqin came under heavy Israeli artillery fire from the Israeli enemy's positions in the border strip. Israeli warplanes also attacked the outskirts of Ramadiyah, Siddiqin and Jibal al-Butm, firing several air-to-surface missiles.

At 1745 and 1900 hours hostile aircraft attacked Jibal al-Butm, Ramadiyah, Siddiqin and Asi in three waves, firing some 10 air-to-surface missiles. There were no reports of casualties.

At 1710 hours outlying areas of Yatar came under Israeli artillery fire. Hostile aircraft attacked the Nattarah locality near the same town, firing several air-to-surface missiles. The bombardment stopped at 2100 hours. There were no reports of casualties.

17 November 1999

In Ibl al-Saqi during the day occupation forces and the proxy militia arrested Ghassan Sulayman Mundhir, a resident of the town, and took him to Khiyam prison.

Between 0005 and 0300 hours the collaborators' militia fired several 155-mm artillery shells at the area around the Sujud hill position from the Zafatah position.

Between 0555 and 0620 hours the collaborators' militia fired several 81-mm mortar shells at outlying areas of Bra'shit from the Ba'lul hill position. Two occupied dwellings were hit, those of Musa Muhammad Ibrahim Shihab and Najib al-Husayn Shihab. Two vehicles belonging to the latter were also hit by several pieces of shrapnel.

Between 0610 and 0630 hours the proxy militia fired three 120-mm mortar shells at areas along the Litani River from the Muhaysibat position.

Between 0950 and 1140 hours Israeli warplanes overflew the South, Mount Lebanon, the North and the Bekaa at very high altitudes, breaking the sound barrier over the Bekaa.

At 1100 hours an Israeli gunboat off Ra's al-Ayn fired several bursts of medium-weapons fire in all directions.

Between 1100 and 1145 hours an Israeli reconnaissance aircraft overflew the Nabatiyah and Iqlim al-Tuffah areas at very high altitude.

Between 1400 and 1420 hours the collaborators' militia fired three 81-mm mortar shells at outlying areas of Bra'shit from the Ba'lul hill position to the south.

At 1545 hours the proxy militia fired several direct-fire rounds at outlying areas of Arabsalim from the Zafatah and Suwayda hill positions. A 120-mm mortar shell impacted in the easternmost neighbourhood of the town, and a woman resident, Zaynab Ahmad Salih, was struck in the right leg by a piece of shrapnel.

Between 1600 and 1700 hours occupation forces and the collaborators' militia fired four direct-fire rounds, three 120-mm mortar shells and four 155-mm artillery shells at outlying areas of Majdal Zun, Izziyah and Mansuri from the Shama', Hardun hill and Tall Ya'qub positions.

In the shelling, three occupied dwellings in the easternmost neighbourhood of Arabsalim belonging to Sa'di Ali Harb, Abd al-Rahman Muhammad Abu Hashim and Ahmad and Hasan Ali Harb were hit.

At 1900 hours Israeli warplanes attacked outlying areas of Mazra'at al-Hamra in three waves, firing three air-to-surface missiles.

Between 2000 and 2030 hours an Israeli reconnaissance aircraft overflew the Iqlim al-Tuffah and Nabatiyah areas at very high altitude.

Between 2000 and 2130 hours the collaborators' militia and occupation forces fired several 155-mm artillery shells and 120-mm and 81-mm mortar shells and directed bursts of medium-weapons fire at areas along the Tasah spring, Mlita hill, Mazra'at Uqmata and the areas around Tahrah hill and Sujud hill from the Shurayfah, Zafatah, Sujud hill and Tahrah hill positions.

Between 2115 and 2130 hours occupation forces fired seven 155-mm artillery shells at Jabal Bir al-Dahr from the Shurayfah position and launched an illumination flare over Maydun hill.

At 2120 hours the proxy militia directed several bursts of medium-weapons fire at Wadi al-Fatir from the Ayn Qinya position.

18 November 1999

Between 0000 and 0230 hours an Israeli bulldozer cleared a road from a point west of Qal'at al-Shaqif (Château de Beaufort) to a point inside Arnun near the home of Ali Ghazzal and running through an olive grove belonging to Nasir Alawiyah and a plot of land belonging to Isam Ajami.

Between 0930 and 1400 hours Israeli warplanes overflew Mount Lebanon, the Bekaa and the South at very high altitudes. An Israeli reconnaissance aircraft also overflew the Maydun and Jabal Bir al-Dahr area at very high altitude.

Between 0600 and 0620 hours the collaborators' militia and occupation forces fired three 155-mm artillery shells, seven 120-mm mortar shells and four direct-fire rounds and directed bursts of medium-weapons fire at outlying areas of Majdal Zun, Izziyah, Mansuri and Haddatha from the Tall Ya'qub, Shaqif al-Nahl and Hardun hill positions.

Between 1215 and 1230 hours the proxy militia fired 14 60-mm and 81-mm mortar shells at outlying areas of Qasr and Ghanduriyah and at Wadi al-Jamir.

Between 1615 and 1725 hours the Lahad proxy militia fired several 81-mm and 120-mm mortar shells at outlying areas of Bra'shit from Ba'lul hill and a number of 120-mm mortar shells at the area around Sujud hill from the Rayhan position.

Between 1725 and 1925 hours occupation forces and the collaborators' militia fired several 155-mm artillery shells and directed a number of bursts of medium-weapons fire at Mazra'at Uqmata, an area south-east of Luwayzah, areas along the Tasah spring, areas along the Zahrani River and Wadi Habbush from the Shurayfah, Zafatah and Suwayda hill positions.

Between 2010 and 2120 hours Israeli warplanes overflew the South and the Western Bekaa at various altitudes. At 2025 and 2100 hours they attacked areas along the Tasah spring in three waves, firing three air-to-surface missiles.

19 November 1999

At 0820 hours the collaborators' militia at the Burj hill and Ali al-Tahir positions fired several 81-mm mortar shells and directed a number of bursts of medium- and light-weapons fire at areas around those two positions and at the Kafr Tibnit crossing and the easternmost neighbourhood of Kafr Tibnit. Two residents, Hasan Amin Hijazi and Tawfiq Muhammad Salam, were hit by bullets. At the Kafr Tibnit crossing three civilian vehicles were also hit by various rounds.

At 0515 hours Israeli occupation forces fired five 155-mm artillery shells at Wadi al-Qaysiyah from the position at the Mays al-Jabal checkpoint.

It transpired that, in the shelling of the easternmost neighbourhood of Kafr Tibnit at 0820 hours, two residents were injured, with Ala' Hasan Jabir receiving wounds and Khidr Kamal Jabir contusions. Three dwellings, those of Ali Muhammad Faqih, Ali Hasan Illawsh and Ali Salim Sharaf al-Din, were hit by several rounds. The town's government school was also hit and sustained substantial damage.

At 0145 hours the proxy militia fired three 81-mm mortar shells at outlying areas of Arabsalim from the Suwayda hill position.

Between 1430 and 1545 hours the Lahad proxy militia fired several 155-mm artillery shells and 81-mm mortar shells at outlying areas of Bra'shit, Mazra'at Uqmata and Mlita hill from the Zafatah and Ba'lul hill positions.

Between 1900 and 2005 hours the proxy militia fired eight 120-mm mortar shells at Jabal Bir al-Dahr, Luwayzah and Surayrah from the Ahmadiyah hill position. It also launched 18 illumination flares over the same areas.

At 2120 hours the Lahad militia collaborating with Israel directed several bursts of medium-weapons fire from the Shaqif al-Naml position at outlying areas of the town.

20 November 1999

Between 0000 and 0010 hours the collaborators' militia and Israeli occupation forces fired five 155-mm artillery shells and eight 120-mm and 81-mm mortar shells and directed several bursts of medium-weapons fire at outlying areas of Majdal Silm and Wadi al-Qaysiyah from the positions at Hula, Tallusah and the Mays al-Jabal checkpoint.

Between 0410 and 0420 hours occupying Israeli forces fired several 81-mm mortar shells and directed a number of bursts of medium-weapons fire at outlying areas of Nabatiyah and the area around Qasr Ghandur from the Dabshah hill position.

Between 1630 and 1645 hours the collaborators' militia directed several bursts of medium-weapons fire at Mlita hill from Sujud hill.

Between 2110 and 2130 hours the collaborators' militia fired several 120-mm mortar shells at areas along the Litani River from the Zafatah position.

21 November 1999

Between 0000 and 0230 hours occupying Israeli forces and the proxy militia in the positions at Tahrah hill, Ali al-Tahir hill and Dabshah hill fired several direct-fire rounds and directed bursts of medium-weapons fire at areas around the three hills.

Between 0500 and 0600 hours an Israeli gunboat off Mansuri fired several bursts of medium-weapons fire in all directions.

At 0635 hours the collaborators' militia fired two direct-fire rounds at outlying areas of Mansuri from the Shama' hill position.

At 1530 hours the collaborators' militia and occupation forces fired several 155-mm artillery shells and direct-fire rounds at the area around Sujud hill from the Shurayfah and Rayhan positions.

At 1850 hours the proxy militia fired seven direct-fire rounds at the area around Sujud hill from the Rayhan position.

Between 2115 and 2125 hours occupation forces fired several 155-mm artillery shells at the area around Sujud hill from the Shurayfah position.

22 November 1999

At 0620 hours the proxy militia fired several 120-mm mortar shells and directed bursts of medium-weapons fire at areas along the Zahrani River, Wadi Habbush and areas along the Tasah spring from the Suwayda hill and Zafatah positions. A dwelling belonging to Yusuf Abd Allah Musa was hit.

Between 0720 and 0735 hours Israeli occupation forces fired 10 155-mm artillery shells at outlying areas of Zibqin, Shu'aytiyah, Izziyah and Majdal Zun from the Tall Ya'qub position.

At 0835 hours Israeli warplanes attacked outlying areas of Shu'aytiyah and Majdal Zun, firing an air-to-surface missile.

Between 1640 and 1650 hours occupation forces fired a 155-mm artillery shell at an outlying area of Majdal Zun from the Tall Ya'qub position.

At 1745 hours Israeli warplanes attacked outlying areas of Majdal Zun and Mansuri, firing an air-to-surface missile.

Between 1920 and 1945 hours the collaborators' militia fired several 155-mm artillery shells at the Yuhmur lowland and Wadi al-Kafur from the Zafatah position.

At 2120 hours Israeli occupation forces directed several bursts of medium-weapons fire at the area around the abandoned Lebanese Army barracks in Nabatiyah, at Qasr Ghandur and at outlying areas of Nabatiyah al-Fawqa from the Dabshah hill position.

Between 2100 and 2130 hours the Lahad militia collaborating with Israel fired seven 155-mm artillery shells at Jabal Abu Rashid and Wadi Habib from the Abu Qamhah position.

During the day it became known that among those being held by occupying Israeli forces and the proxy militia was Hassan Muhammad Hubb Allah, head of the Religious Education Association.

23 November 1999

Between 0000 and 0030 hours occupation forces and the proxy militia fired several 155-mm artillery shells, 120-mm mortar shells and direct-fire rounds at Wadi al-Kafur, Mazra'at al-Hamra, areas along the Habbush River and Jafur hill.

Between 0330 and 0500 hours an Israeli gunboat off Mansuri fired several bursts of medium-weapons fire in all directions. Occupying Israeli forces fired several 60-mm mortar shells and directed bursts of medium-weapons fire at the easternmost neighbourhood of Yuhmur from the position at Qal'at al-Shaqif (Château de Beaufort). An occupied dwelling, that of Khalidah Yusuf Sa'id, a resident of Yuhmur, was hit and substantial damage was done.

For reasons unknown, at 0630 hours in Arnun elements of the security service of the collaborators' militia arrested Shamlakan Husayn Assaf and Samirah Hasan Atiyah, both residents of the town, and took them to an unknown destination.

Between 0745 and 0750 hours an Israeli gunboat off Mansuri fired several bursts of medium-weapons fire in all directions.

At 2005 and 2020 hours an Israeli gunboat off Tyre and Mansuri fired several bursts of medium-weapons fire in all directions.

Between 1425 and 1430 hours the collaborators' militia fired several 155-mm artillery shells and 120-mm mortar shells at Jabal al-Rafi' and the area around Sujud hill from the Zafatah position.

Between 1510 and 1800 hours Israeli warplanes overflew the South at high altitudes.

24 November 1999

Between 0000 and 0710 hours the Lahad proxy militia fired 36 120-mm mortar shells at Jabal Bir al-Dahr and Jabal Jabbur from the Ahmadiyah hill and Abu Qamhah positions.

Between 0400 and 0450 hours Israeli warplanes overflew the Nabatiyah and Jabal Bir al-Dahr areas at very high altitudes.

Between 0640 and 0720 hours Israeli occupation forces and the collaborators' militia fired several 155-mm artillery shells at outlying areas of Hawwata, Bra'shit and Tibnin from the positions at the Mays al-Jabal checkpoint, Ba'lul hill and Shaqif al-Naml.

Between 1905 and 2140 hours occupying Israeli forces and the collaborators' militia fired several 155-mm artillery shells at Wadi al-Qaysiyah and a number of 120-mm mortar shells at outlying areas of Jba' from the positions at the Mays al-Jabal checkpoint and Rayhan.

Between 2245 and 2315 hours the Lahad proxy militia fired five 155-mm artillery shells at Wadi al-Habib from the Abu Qamhah position.

25 November 1999

At 0200 hours the collaborators' militia launched three illumination flares over the sea off Bayyadah from the Radar hill position.

Between 0615 and 0645 hours the proxy militia fired several 155-mm artillery shells at Wadi al-Kafur and Judun from the Zafatah position.

At 0710 hours the collaborators' militia fired seven 120-mm mortar shells at Jabal Jabbur from the Ahmadiyah hill position.

Between 1335 and 1350 hours occupation forces fired four 155-mm artillery shells at outlying areas of Jibal al-Butm and Yatar from the Tall Ya'qub position.

At 1500 hours occupying forces fired several 120-mm mortar shells, direct-fire rounds and 155-mm artillery shells at Mlita hill and the area around Sujud hill from the Rayhan position.

Between 1500 and 1705 hours the Lahad proxy militia fired 29 120-mm mortar shells at the area around Jabal Jabbur and at Jabal Ayn al-Tinah and Jabal Habib from Ahmadiyah hill.

Between 1625 and 1920 hours Israeli occupation forces and the collaborators' militia fired 47 155-mm artillery shells and eight 81-mm mortar shells and directed several bursts of medium-weapons fire at outlying areas of Haddatha, Rshaf, Tibnin, Yatar, Kafra, Haris, Jibal al-Butm, Zibqin, Izziyah, Shu'aytiyah and the areas around the Dahr al-Maydan and Shaqif al-Naml positions from the positions at Tall Ya'qub, Dahr al-Maydan, Shaqif al-Naml and Shal'abun hill.

Between 1755 and 2000 hours Israeli warplanes overflew Jabal Bir al-Dahr and Libbaya and carried out mock attacks. The Lahad militia collaborating with Israel also launched five illumination flares and fired three 120-mm mortar shells and five 155-mm artillery shells at the area around the Zimriya crossing and Jabal Bir al-Dahr from the Zaghlah hill and Abu Qamhah positions.

At 1815 hours Israeli occupation forces and the Lahad militia collaborating with them fired several 155-mm artillery shells, 120-mm mortar shells and direct-fire rounds and directed a number of bursts of medium-weapons fire at the Yuhmur lowland, the Masha' neighbourhood and Qasr Ghandur area of Nabatiyah al-Fawqa, the area around Ali al-Tahir hill and Yuhmur town from the positions at Qal'at al-Shaqif (Château de Beaufort), Dabshah hill, Burj hill, Ali al-Tahir hill and Zafatah. In Yuhmur three dwellings belonging to Abbas Husayn Zuhur and Khayr Allah Najib were hit. Raghda Khayr Allah Sa'id collapsed and suffered a nervous breakdown. In Nabatiyah, the collaborators' militia also directed several bursts of medium-weapons fire at an ambulance setting out for Yuhmur.

At 2005 and 2010 hours Israeli warplanes attacked the Mazra'at al-Hamra vicinity in two waves, firing two air-to-surface missiles.

26 November 1999

At 0120 hours the collaborators' militia launched two illumination flares over an outlying area of Mansuri from the Hardun position.

Between 0945 and 1005 hours the proxy militia directed several bursts of medium-weapons fire at the Mimis ridge from the position at the Zimriya crossing.

At 0545 hours Israeli warplanes attacked areas along the Tasah spring, firing two air-to-surface missiles.

At 1710 hours the proxy militia fired several direct-fire rounds and directed bursts of medium-weapons fire at the easternmost neighbourhood of Kafr Tibnit and the area around the crossing from Burj hill and Ali al-Tahir hill. The home of Muhammad Faqih and Muhammad Ali Yasin was hit.

Between 1900 and 2100 hours occupying Israeli forces and the Lahad proxy militia fired several 155-mm artillery shells and direct-fire rounds and directed bursts of medium-weapons fire at the areas around the castle, Sujud hill and Tahrah hill and at Jabal al-Rafi' from the positions at Zafatah, Tahrah hill and Qal'at al-Shaqif (Château de Beaufort).

Between 1820 and 1845 hours the collaborators' militia fired 12 120-mm mortar shells at an area south of Khalawat from the Abu Qamhah position.

At 2250 hours several 120-mm mortar shells fired from the occupied strip impacted on Jabal Safi, in the area around Sujud hill and in areas along the Tasah spring.

It transpired that, when the collaborators' militia fired direct-fire rounds at the easternmost neighbourhood of Kafr Tibnit, the exterior walls of

two dwellings were hit by shrapnel. The two houses are owned by Ali Husayn Ayyub and Husayn Muhammad Ali Yasin. In the attack on areas along the Tasah spring, a civilian vehicle belonging to Ali Wahbi was hit.

27 November 1999

Between 0000 and 0600 hours the Lahad proxy militia fired several 155-mm artillery shells and 120-mm mortar shells at Jabal Safi from the Zafatah and Ahmadiyah hill positions.

At 1500 hours the proxy militia directed several bursts of medium-weapons fire at outlying areas of Majdal Zun and Mansuri from the Shama' position.

At 1500 hours the same militia fired several 120-mm mortar shells at areas along the Habbush River from the Zafatah position.

Between 1915 and 1920 hours the collaborators' militia fired several 120-mm mortar shells at Jabal al-Rafi' from the Zafatah position.

At 2110 hours the Lahad proxy militia fired five 120-mm mortar shells at Jabal Jabbur from the Ahmadiyah hill position.

28 November 1999

Between 0000 and 0030 hours an Israeli gunboat off Adlun launched two illumination flares over the sea.

Between 0400 and 0530 hours an Israeli gunboat off Mansuri fired several bursts of medium-weapons fire in all directions.

Between 0100 and 0250 hours the proxy militia fired several 120-mm mortar shells at Jabal al-Rafi' from the Zafatah position.

Between 1035 and 1300 hours occupying forces and the militia collaborating with them fired several 155-mm artillery shells and 120-mm mortar shells and directed a number of bursts of medium-weapons fire at Jabal al-Rafi', Mlita hill and the area around Dabshah hill from the Zafatah and Dabshah hill positions.

At 0400 hours an Israeli gunboat off Mansuri fired several bursts of medium-weapons fire in all directions. It also launched an illumination flare over the Mansuri shore.

Between 0425 and 0550 hours Israeli occupation forces and the Lahad militia collaborating with them directed several bursts of medium-weapons fire from Ba'lul hill and Dabshah hill at the Qasr Ghandur vicinity and the areas around the same two hills.

Between 2155 and 2200 hours the proxy militia fired four 155-mm artillery shells at Jabal al-Rahibat from the Abu Qamhah position.

Between 2215 and 2240 hours the proxy militia fired four 81-mm mortar shells and directed several bursts of medium-weapons fire from the Ba'lul hill position at the area around the position itself.

29 November 1999

Between 1045 and 1100 hours occupying Israeli forces and the Lahad proxy militia fired several 155-mm artillery shells at outlying areas of Yatar and the area around Sujud hill from the Tall Ya'qub and Zafatah positions.

Between 1520 and 1710 hours the proxy militia and Israeli occupation forces fired 23 60-mm, 81-mm and 120-mm mortar shells and directed bursts of medium-weapons fire at outlying areas of Majdal Zun, Tiri, Rshaf and Adshit al-Qusayr from the positions at Ruwaysat al-Jamus, Ruways, Muhaysibat, Dahr al-Maydan, Hardun hill and Qusayr.

At 1535 hours the Lahad proxy militia directed several bursts of medium-weapons fire at Mlita hill from the Sujud hill position.

Between 1540 and 1550 hours occupying Israeli forces fired four 155-mm artillery shells at outlying areas of Kafra from the Tall Ya'qub position.

At 1720 hours Israeli warplanes attacked areas along the Tasah spring in two waves, firing two air-to-surface missiles.

Between 1800 and 1910 hours occupying Israeli forces fired several 155-mm artillery shells at the Yuhmur lowland and Mazra'at al-Hamra from the Shurayfah hill position.

At 2000 hours the collaborators' militia fired several 155-mm artillery shells at outlying areas of Jba' from the Zafatah position.

Between 2000 and 2030 hours the proxy militia fired two 120-mm mortar shells at outlying areas of Majdal Zun from the Hardun hill position.

30 November 1999

Between 0430 and 0500 hours an Israeli gunboat off the Ghillah lowland fired several bursts of medium-weapons fire in all directions.

At 0645 hours the proxy militia directed several bursts of medium-weapons fire at areas along the Tasah spring from the Sujud hill position.

Between 0905 and 0915 hours occupation forces fired several 155-mm artillery shells at Jabal al-Rafi' from the Shurayfah position.

Between 1030 and 1125 hours the proxy militia fired five 81-mm and 120-mm mortar shells at the outskirts of Bra'shit from the Ba'lul hill position.

Between 1050 and 1225 hours Israeli warplanes overflew the Bekaa, Mount Lebanon, Beirut and the South at very high altitudes, breaking the sound barrier.

At intervals between 2150 and 2310 hours Israeli warplanes overflew the Kasrawan and Jubayl areas, coming from the sea and heading north.

The Lebanese Government strongly condemns the continued Israeli occupation and the fresh attacks and arbitrary practices against the Lebanese civilian population that have left a number of dead and wounded and have caused further serious damage to property.

Like previous attacks, this new series is in flagrant violation of the sovereignty and independence of Lebanon and constitutes a breach of the purposes and principles of the Charter of the United Nations, of international law and of basic human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(Signed) Sélim TADMOURY
Ambassador
Permanent Representative